

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

~~~~~

STACIE RAY, BASIL ARGENTO, JANE DOE,  
AND ASHLEY BREDAS,  
Plaintiffs,

vs. Civil Action No.

2:18-CV-00272-MHW-CMV

AMY ACTON, IN HER OFFICIAL CAPACITY  
AS DIRECTOR OF THE OHIO DEPARTMENT  
OF HEALTH, et al.,

Defendants.

~~~~~

Deposition of
STACIE RAY

August 19, 2019

1:05 p.m.

Taken at:

Calfee Halter & Griswold, LLP
41 South High Street, Suite 1200
Columbus, Ohio

Kimberly A. Kaz, RPR, Notary Public

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1 STACIE RAY, of lawful age, called
2 for examination, as provided by the Federal
3 Rules of Civil Procedure, being by me first
4 duly sworn, as hereinafter certified, deposed
5 and said as follows:

6 EXAMINATION OF STACIE RAY
7 BY MR. BLAKE:

8 Q. Okay. Ms. Ray, my name is Jason
9 Blake. I am one of the attorney representing
10 State of Ohio. I work at Calfee, Halter &
11 Griswold, and we're here today for your
12 deposition. Is that your understanding?

13 A. Yes.

14 Q. In the case that you, among others,
15 have filed against several officials at the
16 Department of Health. And just to get some
17 terminology straight, I'm going to generally
18 refer to the Department of Health or ODH, and
19 when I do so, that's going to mean all
20 defendants collectively. Is that okay if we --

21 A. That is fine.

22 Q. And if there's a reason to
23 distinguish between the two, I'll try to do so
24 or if you -- if you could do that too, that
25 would be great.

1 A. Yes.

2 Q. I don't foresee that happening,
3 but...

4 Is this your first deposition
5 you've ever had or --

6 A. The first deposition, yes.

7 Q. Okay. So I don't know if your
8 attorneys have generally explained to you how
9 this works, but I'll just run through some
10 stuff real fast, and if you have any questions,
11 stop me. This is the one part of the
12 deposition where I think it's okay for you to
13 ask me questions, although I'm sure that might
14 happen as we go along.

15 So, you know, you're under oath, so
16 all your answers have to be truthful and to the
17 best of your knowledge and all that, and I
18 don't anticipate us having any problem with
19 that.

20 As you'll see, there's a court
21 reporter, she's typing everything that I say
22 and she's going to type everything you say,
23 everything your attorney says. The only trick
24 to it, she's very competent, very good at it,
25 she can only do one person at a time, so allow

1 me to finish before you answer and I'll try to
2 do the same.

3 A. Okay.

4 Q. If you need to stop for whatever
5 reason, it's your deposition, feel free to
6 stop, take a break. The only thing I would ask
7 is that if a question is pending, you answer
8 that question, and then we can take a break.
9 If you need any water or anything, I see you
10 brought some liquids with you, but water, sodas
11 are over there, and feel free to get up and
12 help yourself.

13 Other than that, you know, we can
14 just kind of play things by ear, see how things
15 go. I don't -- I don't -- I suppose one other
16 thing, audible answers only. This is something
17 that we all struggle with.

18 A. Correct.

19 Q. Well, nods of the head, but also
20 things like "huh-uhs" and "uh-huhs," those are
21 hard to sort of like figure out. They look
22 ambiguous on the transcript 'cause everything's
23 going to be written.

24 Other than that, I don't have any
25 other opening sort of remarks, and I think we

1 can start digging in, if that's okay with you.

2 A. That is fine.

3 Q. All right. Great. Okay. So we
4 already talked about the definition of ODH or
5 how I'm going to use ODH. I want to go over
6 some other terminology that we're going to try
7 to use. So, "transgendered," when I use the
8 word "transgender" or "transgendered," you'll
9 understand that I'm referring to someone whose
10 gender identity does not align with their birth
11 or biological sex. Is that a definition that
12 you're okay with?

13 MS. BONHAM: I'm going to make a
14 standing objection to any of your terminology
15 that's at issue in the case to the extent these
16 are terms of art and to the extent we have
17 disagreements over them.

18 MR. BLAKE: Sure.

19 MS. BONHAM: So her testimony isn't
20 going to be any kind of acceptance of your uses
21 of these terms.

22 MR. BLAKE: Understood.

23 Q. But you understand as we go along,
24 you know, if I refer to "transgendered," that
25 will refer to someone whose gender identity

1 does not align with his or her birth or
2 biological sex; is that fair?

3 A. I understand that's your definition
4 of it, yes.

5 Q. Do you have any different
6 definition of someone who's transgendered?

7 MS. BONHAM: Objection to the
8 extent --

9 Q. And I understand you're not an
10 expert, but do you have a different definition?

11 A. In my opinion, yes, I do.

12 Q. And what is that?

13 A. That would be for me to give a
14 definition that I'm not an expert on.

15 Q. Okay. I get that you're not an
16 expert on things like gender identity and sex
17 or transgendered, I understand that. You're
18 here as a witness in your personal capacity as
19 a plaintiff in this case, right?

20 A. Okay. Yes.

21 Q. But if you have a working
22 definition of what you perceive as the
23 plaintiff in this case as a transgendered --
24 when a transgendered person is or what that
25 means, I'd be interested in hearing it.

1 A. For me, for my transgenderism, my
2 definition for myself and myself only would be
3 that I do not correspond what they assigned me
4 at birth.

5 Q. Okay. So you have -- your
6 definition for a transgendered person is
7 someone who's gender identity does not
8 correspond with the sex assigned at birth?

9 MS. BONHAM: Objection. Misstates
10 testimony.

11 THE WITNESS: For my particular
12 person, my identity.

13 Q. I see. So --

14 A. Me only.

15 Q. So other transgendered people might
16 have a different definition or understanding of
17 that word, but for your -- your expression of
18 transgendered -- of your transgenderism, if
19 that's a word, it is that your gender identity
20 does not correspond with your biological or
21 birth sex; is that accurate?

22 MS. BONHAM: Same objection.

23 THE WITNESS: No.

24 Q. No. Then I guess I'm missing
25 something, 'cause I thought I used your words.

1 A. My personal opinion about my
2 transgenderism is what -- I do not agree with
3 what the doctors assigned me at birth.

4 Q. Okay. So it's not about
5 correlation or alignment, it's that you
6 disagree with what the medical provider at the
7 time of your birth assigned you?

8 MS. BONHAM: Objection. Misstates
9 testimony. Continued objection to questions
10 that call for expert testimony or legal
11 conclusions. Foundation.

12 Q. Go ahead.

13 A. Again, you're -- you kind of are
14 twisting my words.

15 Q. And I'm not trying to, trust me,
16 but go ahead.

17 A. My personal identity for
18 transgenderism for myself and myself only is
19 that I do not agree with what the doctors
20 assigned me at birth, the gender identity they
21 assigned me.

22 Q. You believe you were assigned
23 gender identity at birth?

24 MS. BONHAM: Objection. Asked and
25 answered. Foundation. Calls for expert

1 testimony. She's answered this a couple of
2 times now in different ways that you seem to be
3 seeking. I think we should move on to
4 something relevant.

5 MR. BLAKE: I haven't asked that
6 question.

7 Q. Can you answer whether you believe
8 you were assigned a gender identity at birth?

9 MS. BONHAM: Same objection.

10 THE WITNESS: Same answer. I
11 disagree with what the doctors assigned me
12 gender identity at birth.

13 Q. Okay. Let me ask you about the
14 term "cisgendered." Would you agree that that
15 is someone whose gender identity aligns with
16 their birth or biological sex?

17 MS. BONHAM: Restate the objections
18 to calling for expert testimony and/or a legal
19 conclusion.

20 THE WITNESS: My personal opinion
21 about cisgenderism is someone that agrees with
22 the -- the doctor's given recommendations of
23 assigned sex.

24 Q. Okay.

25 A. And that's my personal opinion

1 only.

2 Q. All right. And what is your
3 highest level of education?

4 A. Some college.

5 Q. Which college did you attend?

6 A. Columbus State.

7 Q. And what coursework were you
8 working, taking?

9 A. Last was civil engineering, unless
10 you want to count I'm getting ready to go back
11 to school again.

12 Q. We'll get to that.

13 Approximately when did you attend
14 Columbus State?

15 A. 2008, 2009.

16 Q. And before that, did you have any
17 other post-high school education?

18 A. I took some correspondence courses
19 when I was in high school for college credits.

20 Q. You mean, like, college math or
21 something like that?

22 A. Correct.

23 Q. Nothing specialized?

24 A. No.

25 Q. And you said -- you said civil

1 engineering. Did you have any other areas of
2 study while you were at CSU?

3 A. I mean, an Associate of arts,
4 Associate's of arts.

5 Q. An Associate of arts. Was that,
6 like, a two-year degree? A one-year degree?

7 A. That's your generalized
8 undergraduate and then your major of civil
9 engineering.

10 Q. Okay. So the Associate's of arts
11 would have, like, your general coursework, your
12 Englishes, your sciences, your maths?

13 A. Correct.

14 Q. And then the civil engineering
15 would be additional coursework focused
16 primarily on the engineering aspect of that
17 profession?

18 A. Correct.

19 Q. Okay. And I think you've already
20 answered this, but would you consider yourself
21 to be an expert on the distinction between sex
22 and gender?

23 A. No.

24 Q. Okay. You haven't taken any
25 courses on the distinction between sex and

1 gender?

2 A. No.

3 Q. And doesn't sound like you've
4 obtained any certifications or degrees related
5 to sex and gender?

6 A. No.

7 Q. You haven't published any papers or
8 written any articles or anything like that on
9 the distinction between sex and gender?

10 A. No.

11 Q. From a medical perspective, do you
12 understand how a person's sex is determined?

13 MS. BONHAM: Objection.
14 Foundation.

15 THE WITNESS: No.

16 Q. Do you have any understanding of
17 what a person's biological sex is?

18 MS. BONHAM: Objection. Calls for
19 legal conclusion. Calls for expert testimony.
20 Foundation.

21 THE WITNESS: Could you repeat the
22 question, please?

23 Q. Sure. Do you have any
24 understanding of what a person's biological sex
25 is?

1 MS. BONHAM: Same objection.

2 THE WITNESS: I have no medical
3 knowledge of how they determine that, so the
4 answer would be no.

5 Q. And what about gender, do you
6 understand how a person's gender identity is
7 determined?

8 MS. BONHAM: Same objection as to
9 foundation and to the extent these are terms of
10 art at issue in the case that she can't testify
11 about from her personal knowledge.

12 THE WITNESS: No.

13 Q. Other than your own gender
14 identity, do you have any understanding of a
15 person's gender identity as a general matter?

16 MS. BONHAM: Same objection.

17 THE WITNESS: I cannot speculate
18 what's in someone's head and how they identify,
19 so no.

20 Q. We're going to look at your birth
21 certificate in a moment, but as a general
22 matter, are you or would you agree that birth
23 certificates are a form of identification?

24 MS. BONHAM: Objection. Calls for
25 a legal conclusion. Foundation.

1 THE WITNESS: My personal opinion
2 is they can be.

3 Q. So not all the time, but sometimes
4 birth certificates are used as identification;
5 is that accurate?

6 MS. BONHAM: Objection. Misstates
7 testimony.

8 THE WITNESS: Again, my personal
9 opinion is it can be a form of identity used at
10 will.

11 Q. Do you consider your birth
12 certificate to be a form of identification?

13 MS. BONHAM: Objection. Vague.

14 THE WITNESS: I personally have had
15 to present my birth certificate as a form of
16 identification.

17 Q. So the answer to that question is
18 "yes"?

19 A. I've had to present it as a form of
20 identification, so yes.

21 Q. Is it your understanding that birth
22 certificates reflect biographical data that
23 exists at the time of that individual's birth?

24 MS. BONHAM: Objection.
25 Foundation.

1 THE WITNESS: Yes and no.

2 Q. All right. Which information on a
3 birth certificate is biographical?

4 MS. BONHAM: Objection.
5 Foundation.

6 THE WITNESS: City, state, place
7 where the hospital, presenting physician,
8 parents.

9 Q. Which information isn't
10 biographical?

11 MS. BONHAM: Same objection.

12 THE WITNESS: Gender and name of
13 child.

14 Q. On what basis do you contend that
15 gender is not biographical?

16 MS. BONHAM: Objection. Vague.
17 Foundation. We don't have any definition for
18 the term "biographical." We also have no birth
19 record that we're looking at to refer to.
20 Speculative.

21 THE WITNESS: My personal opinion
22 per my instance and for me is that no one can
23 know one's gender just by looking at them.

24 Q. What about someone's sex, can
25 someone know one's sex just by looking at them?

1 MS. BONHAM: Objection. Calls for
2 expert testimony. Calls for legal conclusions
3 and to the terms of art being presented without
4 definitions.

5 THE WITNESS: No.

6 Q. You also said that you didn't think
7 name was biographical data. Can you explain
8 that?

9 MS. BONHAM: Same objection to
10 biographical data. If you know this stuff.

11 THE WITNESS: In my opinion, one's
12 name can be changed.

13 Q. So is your assertion that sex and
14 name on a birth certificate is not biographical
15 because it's subject to change?

16 MS. BONHAM: Objection. Misstates
17 testimony. Calls for a legal conclusion.

18 THE WITNESS: No.

19 Q. That's not your testimony?

20 A. No.

21 Q. Okay. So let me ask the question
22 about name again because you just said
23 someone's name could be changed in response to
24 my question about whether or not it was
25 biographical data. Upon what basis do you

1 contend that a person's name as recorded on a
2 birth certificate is not biographical data?

3 MS. BONHAM: Objection. Calls for
4 expert testimony. I don't even understand what
5 person would know this because we don't have a
6 definition of "biographical data." Asked and
7 answered.

8 THE WITNESS: Basically, I'm unsure
9 of what your definition of "biographical data"
10 is, so I'm going by the conclusion of what I'm
11 assuming the definition of biographical, and I
12 put that in quotes, so, therefore, if a
13 person's name can change, then it can't be
14 biographical under my definition.

15 Q. And what's your definition of
16 biographical data?

17 MS. BONHAM: Objection. She's
18 going to define a term that you started using
19 now?

20 MR. BLAKE: I just want to know.
21 She's answered the question.

22 Q. If you have a definition.

23 A. I'll give you my definition of it,
24 yes.

25 Q. Sure.

1 A. Let's break it down. Bio, life;
2 graphical, of geographical reference. Life
3 reference or life graphical reference. So,
4 therefore, at the time of life and at that geo
5 point, that's what it was, but I don't consider
6 it a -- one point of existence of time.

7 Q. Okay. But the birth record, as far
8 as know, records some information at a certain
9 point in time, correct?

10 A. Some information, which I stated as
11 an earlier, city, state, hospital, doctor,
12 parents.

13 Q. And then it would record a name of
14 the individual born, correct, at that point in
15 time, correct?

16 MS. BONHAM: Objection.

17 THE WITNESS: What was assigned to
18 them.

19 Q. And the same with sex, right? It
20 was -- their sex was recorded at that time,
21 correct?

22 MS. BONHAM: Objection. Calls for
23 expert testimony. Calls for a legal
24 conclusion. Foundation. Calls for
25 speculation. Hypothetical.

1 THE WITNESS: That would refer back
2 to my -- your question earlier of can one
3 determine one's sex by looking at them, and my
4 answer was no, so no.

5 Q. So you don't know whether or not
6 the person's sex is recorded on the birth
7 certificate?

8 MS. BONHAM: Objection. Misstates
9 testimony. Vague.

10 THE WITNESS: Again, I answered as
11 no.

12 Q. Okay. Well, we can look at one
13 birth certificate.

14 - - - - -

15 (Thereupon, Deposition Exhibit 1,
16 Birth Certificate, was marked for
17 purposes of identification.)

18 - - - - -

19 Q. I've just handed you a document
20 which has been marked as Defendants' 1. Do you
21 have that in front of you?

22 A. I do.

23 Q. And this is a document which I
24 believe was produced by your attorneys, and
25 it's a birth certificate. Do you recognize

1 this document?

2 A. I do.

3 Q. This is a document which reports to
4 be your birth certificate, correct?

5 A. Correct.

6 Q. At the top, it says: State of
7 Ohio, Office of Vital Statistics.

8 Do you see that?

9 A. I do.

10 Q. And right underneath that, it says:
11 Certification of birth.

12 Do you see that?

13 A. I do.

14 Q. Name, Stacie Marie Ray.

15 Do you see that?

16 A. I do.

17 Q. Has date of birth, [REDACTED] [REDACTED] [REDACTED],
18 right?

19 A. It does.

20 Q. Birth place, Ohio, correct?

21 A. It does.

22 Q. The date the record was filed,
23 May 15th, 1973 in the top right-hand corner.

24 Do you see that?

25 A. I do.

1 Q. And underneath that, it says: Sex,
2 male. Right?

3 A. I see it.

4 Q. So let me ask you again: Is it
5 your understanding that birth record records
6 sex at the time of birth?

7 MS. BONHAM: Objection: Calls for
8 expert testimony. Calls for a legal
9 conclusion. Continuing objection to the use of
10 the terms of art.

11 THE WITNESS: This document says
12 "sex," but I do not agree with its recording.

13 Q. Understood. I understand that. My
14 question to you is whether or not it records
15 sex.

16 MS. BONHAM: Same objection. The
17 term "sex" is one of the key disputes in this
18 case, the key legal disputes in this case.

19 THE WITNESS: Again, it says it,
20 but I'm in disagreeance [sic] with it.

21 Q. The birth record says "sex," right?

22 A. There's the word "sex" on the birth
23 certificate.

24 Q. And there's an entry for male next
25 to the word "sex" on the birth record, right?

1 A. That is correct.

2 Q. Okay. Do you know whether the
3 information on the birth certificate -- your
4 birth certificate was recorded by you or by the
5 Department of Health?

6 A. To the best of my knowledge,
7 neither of the above.

8 Q. All right. So who prepared this
9 document, do you know?

10 MS. BONHAM: Objection.
11 Foundation.

12 THE WITNESS: I don't know.

13 Q. Okay. So you don't know whether
14 someone within the Department of Health
15 prepares the birth records?

16 MS. BONHAM: Same objection.

17 THE WITNESS: I don't know.

18 Q. All right. So if you look at the
19 bottom right-hand corner, it says: This is a
20 true certification of the name and birth facts
21 as recorded in the Office of Vital Statistics,
22 Columbus, Ohio. Witness my signature and seal,
23 the Department of Health, this 8th day of
24 September 2016.

25 Do you see that?

1 A. I do.

2 Q. And then underneath that, it's
3 Judith B. Nagy, State Registrar, Vital
4 Statistics. Do you see that?

5 A. I do.

6 Q. So the Office of Vital Statistics
7 is a defendant in this case, right?

8 A. To the best of my knowledge, yes.

9 Q. Okay. And this is Judith B. Nagy,
10 who's one of the named defendants, certifying
11 that these are the name and birth facts as
12 recorded in the Office of Vital Statistics. Do
13 you see that?

14 A. Please repeat the question.

15 Q. Sure. Her certification is that
16 the name and birth facts as -- that this
17 document reflects the name and birth facts as
18 recorded in the Office of Vital Statistics. Do
19 you see that?

20 MS. BONHAM: Okay. Objection.
21 She's obviously reading back exactly what's on
22 the document. It says what it says. She lacks
23 the foundation.

24 MR. BLAKE: I'm not asking her to
25 authenticate the document.

1 THE WITNESS: Your question is
2 vague to the point of it can be misconstrued.

3 Q. All right. Do you have any
4 evidence or basis to contend that someone other
5 than the Department of Health prepared this
6 document?

7 A. No.

8 Q. Okay. Did you have any control
9 over what information was recorded and
10 displayed on this certification of birth?

11 A. No.

12 Q. Did you ever certify the accuracy
13 of the birth record?

14 MS. BONHAM: Objection.
15 Foundation. I don't know what that means.

16 MR. BLAKE: Okay. So it's not a
17 foundation objection, it's a vague -- it's a
18 vagueness objection.

19 MS. BONHAM: Thanks. Either way, I
20 don't know what it means and she doesn't
21 understand how -- couldn't understand how to
22 testify about it.

23 Q. Have you ever attested to the
24 accuracy of this document?

25 A. I was never given the chance to.

1 Q. Okay. And as I just read to you,
2 it looks like Judith B. Nagy has certified to
3 the accuracy of this document, right, not
4 yourself?

5 A. That is the name upon here that
6 says they certified it, but appears to be a
7 stamp.

8 Q. And her title is the State
9 Registrar of Vital Statistics, right?

10 A. That is what it says below it, yes.

11 Q. And, in fact, you actually don't
12 agree with everything on this record, right?

13 A. I do not.

14 Q. So what information on this record
15 do you disagree with?

16 A. The wording of "sex" and what
17 they've marked down.

18 Q. All right. What is inaccurate
19 about the wording of "sex" and what they've
20 marked down?

21 MS. BONHAM: Objection to the form.
22 Inaccurate.

23 Q. Okay. Go ahead.

24 A. Again, that refers back to the
25 question you asked me earlier, can one

1 determine sex by looking at someone, and my
2 answer was no, so, therefore, she should not be
3 making the assumptions of someone's sex, and
4 they've classified me in a category.

5 Q. But like you said earlier, you're
6 not an expert on the distinction between sex
7 and gender, right?

8 A. Correct.

9 Q. That's your personal opinion,
10 correct?

11 A. Correct.

12 Q. Anything else on the birth record
13 that you think is inaccurate?

14 A. Not to my knowledge.

15 Q. Your name, Stacie Marie Ray, that's
16 accurate, right?

17 A. It is.

18 Q. And you see there's a little note
19 down there that says: Legal name change on
20 file CO No. 123593.

21 Do you see that?

22 A. I do.

23 Q. So you submitted at some point
24 something to get your name changed on the birth
25 record, right?

1 A. I did.

2 Q. Okay. Do you recall approximately
3 when that was?

4 A. February 2016 or -- it was in 2016.
5 I don't remember the exact month. Let's go
6 with that.

7 Q. You were approximately 43 years old
8 at that time?

9 A. Approximately.

10 Q. Maybe 42 if it was early 2016?

11 A. Hence the word "approximate."

12 Q. Yeah. What prompted you to file
13 your name change paperwork?

14 A. The name that was given to me by my
15 parents did not align with my identity.

16 Q. You can put that aside for a
17 moment. We'll come back to it in a little bit.

18 Do you hold yourself out as
19 transgendered, as you define that term, to the
20 public?

21 A. No.

22 Q. Are you part of any groups
23 associated with transgendered individuals?

24 A. As in?

25 Q. I don't know. Like, any rights

1 groups, advocacy groups, associations? I mean,
2 I --

3 A. Not that I regular -- not that I
4 participate in. Nothing that I can think of,
5 no.

6 Q. Okay. How many people have you
7 told that you were transgendered?

8 A. Approximately five to ten people.

9 Q. Who are they?

10 A. Let's see. My wife.

11 Q. What's her name?

12 A. Tanya [REDACTED]

13 Q. Okay.

14 A. Tegan [REDACTED] a very close friend
15 of mine.

16 Q. Okay.

17 A. Anna Marie [REDACTED]

18 Q. Okay. Who's that?

19 A. Another close friend of mine.

20 Q. Okay. Thank you.

21 A. Who's the fiance of Tegan [REDACTED]

22 Or wait a second. I'm sorry. Is the mother
23 of. I was thinking of the next person I was
24 going name, which is [REDACTED] and that's the
25 fiance of Tegan [REDACTED] My apologies. I do

1 not know his last name.

2 Q. [REDACTED]

3 A. Yes. I do know it, I just can't
4 think of it right now.

5 Q. That's okay. Close friend or --

6 A. He's a close friend also. I mean,
7 he's the fiance of.

8 Q. Another close friend?

9 A. Yes. And then my father, Gary
10 [REDACTED] which is on the birth certificate. And
11 then one other person named Erica is a very
12 close friend of mine, and that's it.

13 Q. So Anna Marie [REDACTED] is mother of?

14 A. Tegan.

15 Q. Tegan. Sorry. What was this last
16 close friend, what was her name?

17 A. Erica.

18 Q. Erica, do you know her last name?

19 A. I can't think of it right at the
20 moment.

21 Q. So not that close?

22 A. She is. I mean, let's got get into
23 semantics about it.

24 Q. I get it.

25 A. Thank you.

1 Q. I --

2 A. That would be like asking you if
3 you knew every address of all your friends.

4 Q. No. It would be like asking me if
5 I knew every last name of all my friends.

6 MS. BONHAM: Okay.

7 Q. But I understood.

8 So what about your mother, have you
9 told your mother?

10 A. No.

11 Q. No. Okay. Do you have a
12 relationship with your mother?

13 A. It's very hard to have a
14 relationship with someone who's dead.

15 Q. Okay. I didn't know that. I'm
16 sorry to hear that. When did she pass?

17 A. Relevancy?

18 Q. I just -- when did she pass?
19 Answer the question, if you know.

20 MS. BONHAM: You can answer.

21 THE WITNESS: 2009.

22 Q. Okay.

23 THE WITNESS: I need a break.

24 MS. BONHAM: Can we take a
25 little --

1 MR. BLAKE: Absolutely.

2 (Recess taken.)

3 Q. All right. I want to go and just
4 talk briefly about each of these individuals
5 that you've identified. Tanya [REDACTED] you
6 mentioned, was your wife. How long have you
7 been married? Well, actually, let me retract
8 that question.

9 How long have you been together as
10 a couple?

11 A. Since 2002, I believe.

12 Q. And you referred to her as your
13 wife, but are you married?

14 A. Yes.

15 Q. Okay. And when was that
16 approximately?

17 A. Approximately late 2007, 2008.
18 Right in that range. It was
19 January 22nd, 2008.

20 Q. Okay. That's fine.

21 A. I believe.

22 Q. Did your wife know -- well, let me
23 ask you this: What was your gender identity
24 when you first became a couple?

25 A. Female.

1 MS. BONHAM: Objection.

2 Q. And when did you -- well, did you
3 ever tell -- well, I guess you answered this.
4 You told Ms. [REDACTED] that you were transgendered.
5 When did you tell her that were transgendered?

6 A. I do not recall the specific date.

7 Q. Was it prior to or after you became
8 a couple in 2002?

9 A. After.

10 Q. Long after? A few months? Few
11 years? When?

12 A. It -- I tell didn't tell her,
13 quote/unquote, that was transgendered --

14 Q. Yeah.

15 A. -- as your term.

16 Q. Sure.

17 A. And I do not recall how long after,
18 but it was no too long after.

19 Q. Within a year?

20 A. Approximately.

21 Q. And you say that, you know, did
22 you, like, say, "Hey, I'm transgendered"? And
23 I understand that. What -- what is it you told
24 her, roughly?

25 A. That I do not identify as male.

1 Q. Tegan [REDACTED] did I pronounce that
2 right?

3 A. I believe we both are pronouncing
4 that correctly.

5 Q. Okay. Tegan. Let's just say
6 "Tegan."

7 A. Correct.

8 Q. Your close friend, when did you
9 tell her about your identity -- your gender
10 identity? Is it fair to say that? Is that a
11 fair way to say it?

12 A. No.

13 Q. Okay. I'm not trying to be tricky,
14 I'm just trying to pin on dates when you told
15 these people about your gender identity or your
16 transgenderism or however you want to define
17 it. So how would you like to characterize what
18 you communicated to Tegan?

19 A. I told him.

20 Q. Him. Oh, okay. There's an
21 assumption. Tegan, I thought, was a girl's
22 name, but I guess I'm wrong about that.

23 A. I told him pretty much when we met.

24 Q. Which was?

25 A. 2016.

1 Q. And what did you tell him?

2 A. My name.

3 Q. And?

4 A. That's all I needed to tell him.

5 Q. So from your name, he was able to
6 discern that you didn't identify as a male?

7 A. Seeing as we were in a
8 transgendered support group, I think that was
9 pretty -- yes.

10 Q. Okay. What -- what was the name of
11 that support group?

12 A. Transgendered support group.

13 Q. Pretty self-explanatory, huh?

14 A. Correct.

15 Q. And is that a local group?

16 A. It is.

17 Q. How long have you attended that
18 group?

19 A. I'm no longer attending.

20 Q. When did you start attending the
21 transgendered support group?

22 A. 2016.

23 Q. Early part of the year? Middle
24 part of the year?

25 A. It was in January of 2016, I

1 believe.

2 Q. And you meet Tegan at that group?

3 A. I did.

4 Q. How long did you attend the
5 transgendered support group?

6 A. I attended that particular one for
7 three months.

8 Q. So approximately March or April of
9 2016?

10 A. It was either the end of March or
11 the beginning of April, yes. Correct.

12 Q. After you stopped attending the
13 transgendered support group at the end of
14 March of beginning of April 2016, did you
15 attend any other support groups?

16 A. I attended one more later in that
17 same year.

18 Q. What was that one called?

19 A. Same thing.

20 Q. And you said later in that same
21 year. A few months later? Approximately?

22 A. I'm wanting to say approximately
23 around the time frame of August. It could have
24 been late July, early September, but in that
25 time frame.

1 Q. So late summer 2016?

2 A. That would be correct assumption.

3 Q. How long did you attend that second
4 transgendered support group?

5 A. Roughly, the same time frame.

6 Q. So through the fall?

7 A. They roughly go for almost 11
8 weeks.

9 Q. I see. So these are -- "courses"
10 isn't the right word, but these are programs
11 that run for a certain length of time?

12 A. Correct.

13 Q. People sign up for them, they
14 attend, and then when the program ends, your
15 involvement ends, right?

16 A. In that particular course, yes.

17 Q. Are these courses sponsored by the
18 same people, same organization?

19 A. Same organization.

20 Q. What's the name of that
21 organization?

22 A. Stonewall.

23 Q. That's the same organization that
24 sets up the Pride parade here in town, right,
25 Stonewall?

1 A. To the best of my -- yes.

2 MS. BONHAM: And just to clarify
3 for the record, I think we're using -- at some
4 point, you said "courses," we're discussing a
5 couple of support groups.

6 MR. BLAKE: Sure. Yeah.

7 Q. These are support groups, they run
8 for 11 weeks or so, and they're put on by this
9 organization called Stonewall Columbus, I
10 assume, right?

11 A. They are attended at Stonewall.
12 Who is the actual financial backer, I can't
13 make -- pinpoint accuracy. They're at
14 Stonewall.

15 Q. Okay. And it's your impression
16 that that they're organized by Stonewall, but
17 you're not sure?

18 A. I don't know for certain of who
19 actually organizes it. I don't know the
20 behind-the-scenes.

21 Q. So the -- and if we just call it
22 the Stonewall support group for ease of
23 reference. The Stonewall support group that
24 you attended in January 2016 or started to
25 attend in 2016, was that the first such support

1 group you had attended?

2 A. It is.

3 Q. Okay. And then the second one you
4 described in the late summer of 2016 also at
5 the Stonewall Columbus facility, was that the
6 last one you attended?

7 A. It is.

8 Q. Okay. Any other type of support
9 group or --

10 A. No.

11 Q. So I suppose when I ask that
12 question at the beginning of the deposition
13 about organizations or associations that you
14 were affiliated with with transgendered things,
15 I also was looking for, you know, this kind of
16 information about the support group. Is there
17 anything else that you think would fall into
18 that category of affiliations or clubs, for
19 kind of a generic word?

20 A. Because you had not set a time
21 frame on it, it was implied that you meant
22 currently attending.

23 Q. Okay. So I apologize for that.

24 A. So, therefore, I am not currently
25 attending any.

1 Q. Okay. What about in the past?

2 A. Nor have I attended any others
3 aforementioned.

4 Q. Okay. Understood. Thank you for
5 clarifying that.

6 A. Yes.

7 Q. Okay. So you met Tegan at the
8 transgendered support group in January 2016.
9 Anna Marie [REDACTED] Tegan's mother, I assume you
10 would have met around the same time?

11 A. Correct.

12 Q. And Kaiden, Tegan's fiance?

13 A. Correct.

14 Q. You met at some point after
15 January 2016?

16 A. Correct.

17 Q. Now, with either Anna Marie or
18 Kaiden, was there ever a conversation that you
19 had with them about what your gender identity
20 was or that -- or did they just automatically
21 assume or know based on your association with
22 Tegan?

23 A. It was implied of how we met.

24 Q. One of those things Tegan
25 introduces you to his mom, hey, so-and-so, this

1 is Stacie. We met at the transgendered support
2 group and you assume and they assumed; is that
3 right?

4 A. It was implied, yes.

5 Q. Okay. All right. Your father,
6 when did you tell him about your gender
7 identity?

8 A. Summer of 2017 sometime.

9 Q. What prompted you to tell your
10 father about your gender identity?

11 A. In all honesty, to see if it'd give
12 him a heart attack.

13 Q. Oh, gees. Okay. I assume it
14 didn't give him a heart attack, but...

15 A. Unfortunately, no.

16 Q. Oh, gees. So you don't have a
17 great relationship with your dad; is that fair
18 to say?

19 A. That would be an assumption on your
20 part that I would have to say is correct.

21 Q. It's the first time I've ever made
22 an assumption in a deposition I've had the
23 witness agree with me.

24 Before summer of 2017, I take it
25 you're already living in a way that was

1 consistent with your gender identity, correct?

2 A. Yes.

3 Q. Approximately how long or when did
4 you start living in a way that you would
5 consider consistent with your gender identity?

6 A. Could you be more specific on the
7 question?

8 Q. Sure. And, again, I'm not trying
9 to trick you, I'm just trying to get a sense of
10 the chronology. You started in -- well, you
11 met and started seeing Tanya in 2002, and you
12 said within a year, you had told her that you
13 did not identify as a male. So prior to
14 telling Tanya about your identity, were you
15 living in a way that was consistent or that
16 aligned with your gender identity? Does that
17 make sense?

18 A. Yes and no because I put a good
19 front on for people when I was out in front of
20 them, but behind the scenes, I was me. I still
21 was me in front of them --

22 Q. Sure.

23 A. -- just they perceived me the way
24 they wanted to perceive me.

25 Q. All right. So prior -- okay. So

1 during that time -- and we'll just say prior to
2 2002; is that fair?

3 A. Okay.

4 Q. Prior to 2002 -- you actually don't
5 know the question.

6 MS. BONHAM: Objection. Vague.

7 Q. Prior to 2002, were you at least
8 publicly presenting in a way that allowed other
9 people to perceive you how they wanted to
10 perceive you; is that accurate?

11 MS. BONHAM: Objection. Vague.

12 THE WITNESS: No.

13 Q. No?

14 A. No.

15 Q. All right. Well, then, I guess
16 explain to me, if you can, when you started to
17 live in a way that aligned with your gender
18 identity?

19 MS. BONHAM: Objection. Vague.

20 THE WITNESS: [REDACTED] [REDACTED] [REDACTED]

21 Q. [REDACTED] [REDACTED] [REDACTED] That's your
22 birthday, right?

23 A. It is.

24 Q. And your testimony is that as an
25 infant, you were living in a way that was in

1 alignment with your gender identity?

2 MS. BONHAM: Objection. Vague.

3 Mischaracterizes.

4 THE WITNESS: Yes.

5 Q. Okay. So your gender identity --
6 what was your gender identity as of

7 [REDACTED]

8 A. Well, seeing as I really didn't
9 have much conscience experience around me,
10 there really wasn't much of a gender identity,
11 but I've always believed that I was female, so
12 therefore, I have to assume that even on my
13 birth date, that I was female.

14 Q. So you don't know, but you're
15 assuming that as an infant, you were living in
16 a way that was consistent with your gender
17 identity as a female?

18 A. Correct.

19 MS. BONHAM: Objection.
20 Mischaracterizes testimony.

21 Q. Did you ever -- did you ever live
22 or present yourself to the public in a way that
23 you would deem inconsistent with your gender
24 identity?

25 A. No, because I always presented as

1 female.

2 Q. Okay.

3 MS. BONHAM: I can I just have one
4 second off the record?

5 MR. BLAKE: Go ahead. Oh, with
6 her?

7 MS. BONHAM: No. Just one second
8 off the record just to get something straight
9 as a matter of protocol.

10 (Discussion held off the record.)

11 THE WITNESS: I think we're having
12 a little bit of problem on clarification here
13 as lived because I've lived my whole life as a
14 female. How I, quote/unquote, presented myself
15 towards others would be how they would want me
16 to present myself as they perceived me to
17 present myself. Does that give you a little
18 clarification between lived? Because I've
19 lived my whole life as a female.

20 Q. Sure. So as an example, your
21 father, I think it's safe to assume, would have
22 wanted you or wanted to perceive you as a male;
23 is that accurate?

24 A. I can't make a speculation on how
25 he wanted to perceive me.

1 Q. Is it your understanding that your
2 father would have wanted you to present or live
3 as a male?

4 A. Again, I can't speculate towards
5 what his wants and desires are.

6 Q. So I guess when you just said you
7 presented to others as they wanted to perceive
8 you, what does that mean?

9 A. As I assumed that they wanted me
10 to --

11 Q. So did you have any assumption
12 about your father wanted to perceive you as?

13 A. Yes.

14 Q. And what was that assumption?

15 A. They wanted a hetero straight white
16 male.

17 Q. All right. And in 2017, the summer
18 of 2017, you informed your father that you were
19 not a hetero cisgendered male, right?

20 A. No.

21 Q. What did you inform your father?

22 A. That I was not a hetero straight
23 white male.

24 Q. That you were not a hetero straight
25 white male.

1 Okay. What did you tell your
2 father you were?

3 A. Me.

4 Q. I could have predicted that. And
5 so did you tell your father that you were
6 heterosexual?

7 A. No.

8 Q. Did you tell your father that you
9 were homosexual?

10 A. No.

11 Q. Did you tell your father that you
12 were cisgendered?

13 A. No.

14 Q. Did you tell your father that were
15 transgendered?

16 A. No.

17 Q. Did you tell your father that you
18 had a gender identity of a female?

19 A. Yes.

20 Q. Okay. Did you explain to your
21 father what that meant?

22 A. No.

23 Q. Do you know whether he understood
24 what that meant?

25 A. Seeing as he spit his beer all over

1 the bar, yes.

2 Q. Did he say anything else to you
3 other than spitting his beer on the bar?

4 A. I do not recall what his exact
5 words were.

6 Q. What was your impression?

7 A. Unhappy.

8 Q. Have you had any further contact
9 with him since then?

10 A. Very minor.

11 Q. And what have those contacts been
12 about?

13 A. To see if he's still alive.

14 Q. Have you guys had any further
15 conversations about your gender identity?

16 A. No.

17 Q. Your close friend, Erica, when did
18 you tell Erica about your gender identity?

19 A. Technically, I never came out to
20 her.

21 Q. What do you mean by that?

22 A. I was introduced to her from Tegan.

23 Q. So based on that introduction, like
24 Tegan's mother and Tegan's fiancé, it's safe to
25 assume that Erica also understands that you're

1 a transgendered person or --

2 A. That is a good implication, yes.

3 Q. What prompted you to tell Tanya
4 that you didn't identify as a male?

5 A. Honesty in my relationship.

6 Q. So before that time, did Tanya
7 believe that you were a male?

8 A. We're -- you're stating that I
9 wasn't a male. That I didn't identify as a
10 male would be the correct terminology, and I
11 don't know what her assumptions of me was.

12 Q. Okay.

13 A. I can't speak to that.

14 Q. Sure. You started dating her in
15 approximately 2002?

16 A. Correct.

17 Q. And at that time, you didn't know
18 what her notions were about your gender, your
19 gender identity or anything of that nature?

20 A. Correct. I did not know.

21 Q. But then at some point, the
22 relationship progressed to the spot where you
23 felt it was appropriate to tell her, "I do not
24 identify as a male," or something like that; is
25 that fair?

1 A. To some degree, vaguely, yes.

2 Q. I get it. And, you know, I

3 don't --

4 A. I know, you're not trying to trip
5 me up.

6 Q. I'm not trying to trip you up.

7 What was Tanya's reaction to the
8 revelation that you did not identify as a male?

9 A. My perceived reaction of her
10 reaction would be shock and awe.

11 Q. So at least up until that point in
12 the relationship, Tanya -- it's your perception
13 that Tanya believed your gender identity was
14 male?

15 A. No, it is not my perception that
16 she believed that.

17 Q. Okay. What was your perception?

18 A. I don't have a perception of what
19 she believed.

20 Q. You remarked that she was shock and
21 awed when you told her that you did not
22 identify as a male, right?

23 A. Correct.

24 Q. Does that indicate to you that she
25 was surprised when you told her that you did

1 not identify as a male?

2 A. I think surprise would come along
3 with shock and awe, yes.

4 Q. And if she was surprised that you
5 did not identify as a male, in your mind, is it
6 safe to assume that she perceived you as a male
7 prior to that conversation?

8 A. No.

9 Q. Okay. What is your understanding,
10 if any, about that?

11 A. I don't -- I do not make
12 assumptions of what's in other people's mind or
13 what they perceive. It is impossible for me to
14 get inside someone's mind unless I'm a
15 telepath, which I don't know of anybody that is
16 a telepath.

17 Q. So you don't know one way or the
18 other whether she perceived you or how she
19 perceived your gender identity prior to when
20 you told her that you did not identify as a
21 male?

22 A. I do not know what she perceived me
23 as -- how she -- perception to my gender
24 identity.

25 Q. Did she ever indicate to you one

1 way or the other after that conversation what
2 her reaction was or what she had thought prior
3 to you telling her about your gender identity?

4 A. No. We never discussed it.

5 Q. That was the first and only time
6 you discussed your gender identity?

7 A. It's not the only time we discussed
8 my gender identity, but we never discussed what
9 brief -- what her thoughts were previous to
10 that.

11 Q. Other than shock and awe, did she
12 have any other reactions?

13 A. None that I'm going to discuss.

14 Q. Okay.

15 A. Intimate reactions would rather be
16 left off the record.

17 Q. So other than sort of like
18 relationship, how this impacts the relationship
19 and, you know, you two as a couple, there
20 weren't any discussions about, you know, for
21 example, "Gee, this is surprising. I really
22 thought you were a male?" There wasn't
23 anything like that?

24 A. No. There was nothing to that
25 wording, no.

1 Q. Well, I'm not asking you to that
2 wording, I'm saying similar to or like there
3 where she indicates what her belief was prior
4 to your disclosure and how that changed her
5 perception of you two as a couple afterwards.

6 A. Not that I recall, no.

7 Q. Okay. We'd have to ask her about
8 that, I suppose, if we wanted more information,
9 right?

10 A. I would say that would be the best
11 course of action, yes.

12 Q. All right. So setting aside the
13 folks that we just talked about, the people
14 that you've told, how many people have found
15 out that you're transgendered due to your birth
16 certificate --

17 A. Oh.

18 Q. -- approximately?

19 A. Somewhere between ten and 20
20 people. Maybe more.

21 Q. Okay. And we're going to get into
22 some of the incidents that you talked about in
23 the complaint and your response to discovery,
24 and if there are more people besides those
25 incidents, we can talk about them at that time,

1 all right? Is that okay with you?

2 A. Okay.

3 Q. Has your disclosure of your birth
4 certificate to any of these ten to 20 people
5 ever led to bodily harm?

6 A. No.

7 Q. You've never been assaulted
8 physically?

9 A. Physically, no.

10 Q. Verbally assaulted, perhaps?

11 A. Yes.

12 Q. Okay. By a coworker, a colleague
13 at work or something like that?

14 A. Colleague at work and a person in
15 the professional aspect.

16 Q. All right. We'll get into the
17 colleague at work, 'cause I think that is
18 discussed or mentioned in your complaint. What
19 do you mean person in a professional context,
20 what does that mean?

21 A. It's also the other incident in the
22 complaint.

23 Q. Is that the TSA person?

24 A. Correct.

25 Q. Okay. Other than those two times,

1 is there any other time that you've been
2 verbally assaulted?

3 A. I mean, there's multiple at the one
4 facility where, you know, people were saying
5 things to me.

6 Q. Right. This is the colleague at
7 work?

8 A. Correct. It was the one colleague
9 that was brought up, but there was others also
10 in there that speak of how they would treat me,
11 so that's verbal assault.

12 Q. Understood. Was that at Zulily?

13 A. That is correct.

14 Q. So we have the Zulily, you know,
15 verbal assaults, and then we have the TSA
16 person that you -- we'll just call it verbal
17 assault. Other than those two buckets of
18 assault, are there any other instances or
19 occurrences that you can think of related to
20 your birth certificate?

21 A. Not to my knowledge. Not that I
22 can recall.

23 Q. Okay. Are you familiar with the
24 Pride festival here in Columbus?

25 A. Yes.

1 Q. And have you attended the Pride
2 festival?

3 A. Yes.

4 Q. Do you participate? Like, do you
5 go to parade or anything like that?

6 A. Define participate.

7 Q. Well, I mean, like, do you attend
8 the parade? I attend the parade. Have you
9 been to the parade?

10 A. Yes, I have attended the parade.

11 Q. Of course. All right. What about,
12 have you ever, like, marched in the parade or
13 been involved?

14 A. No.

15 Q. And the Pride festival, just so
16 it's clear, that's, right, a festival here in
17 Columbus and I suppose other places where they
18 celebrate all things that are LGBTQ related,
19 right?

20 A. This is correct.

21 Q. And, again, just so the record's
22 clear, part of the LGBTQ is the "T" stands for
23 transgendered, right, or transsexual; is that
24 right?

25 A. No.

1 Q. What does the "T" stand for, then?

2 A. Transgender.

3 Q. Transgender. Thank you. So just
4 to make sure the record's clear, part of the
5 LGBTQ is transgender, right?

6 A. Correct, to my knowledge.

7 Q. And you would consider yourself a
8 member of the transgender community, right?

9 A. I do.

10 Q. And you're not humiliated by your
11 status as a transgender person, right?

12 MS. BONHAM: Objection. Vague.

13 THE WITNESS: Define what you mean
14 by humiliated.

15 Q. Well, do you feel humiliation based
16 on your status as a transgender person?

17 MS. BONHAM: Objection. Vague.

18 THE WITNESS: Again, I'm not
19 understanding what you mean by humiliated. Do
20 you mean every day? In what context are you
21 getting at humiliated because some people can
22 be humiliated by something that they wear one
23 day, but not another day. You know, yes, I
24 know it's in reference to clothes and that's
25 kinds of like apples and oranges, but I'm

1 trying to understand what you mean by
2 humiliated.

3 Q. Well, do you -- are you ashamed of
4 being a member of the transgender community?

5 MS. BONHAM: Objection. Relevance.

6 THE WITNESS: No.

7 Q. And so that's what I meant by a
8 feeling of humiliation. If you are somehow,
9 you know, feel lesser or feel humiliated, just
10 as the common use of the word --

11 MS. BONHAM: Objection.

12 Q. -- with respect to a transgender
13 person?

14 MS. BONHAM: Objection.

15 THE WITNESS: I personally do not
16 correlate ashamed and humiliated in the same
17 sentence.

18 Q. Okay.

19 A. I know they are synonyms, but my
20 personal opinion and my experience is people
21 want me to feel ashamed or humiliated, the
22 terms that you were using, because I am part of
23 the transgender community, but I am proud of
24 who I am.

25 Q. Right. Okay. And that was going

1 to be my next question, right. It's a point --
2 it's not something that you particularly feel
3 ashamed or humiliated about despite what other
4 people may try to project on you, but you
5 yourself feel proud, right?

6 MS. BONHAM: Objection. Compound.
7 Vague. Misstates.

8 THE WITNESS: I am proud of the
9 choices that I am currently making in my life
10 and who I am.

11 Q. It's not something -- and by "it,"
12 your transgender status isn't something you try
13 to hide, right?

14 MS. BONHAM: Objection. Vague.
15 Misstates testimony.

16 THE WITNESS: I don't know what you
17 mean by "hide," but I'm going to get to the
18 point of I live my life as Stacie Marie Ray.
19 Whether somebody knows that I'm transgender or
20 not is their assumptions and perspective, but I
21 don't wear it on my sleeve, as the saying goes.

22 Q. Sure. And you probably don't care
23 one way or the other what other people think
24 about your transgender --

25 MS. BONHAM: Objection.

1 Q. -- status, right?

2 MS. BONHAM: Objection. Calls for
3 speculation. Foundation.

4 THE WITNESS: I don't know how to
5 answer that question, to be honest.

6 Q. Well, do you care if somebody knows
7 about your transgendered status?

8 A. Yes.

9 Q. You do care?

10 A. Yes.

11 Q. In what way?

12 A. Because they're making an automatic
13 assumption about me.

14 Q. What's that assumption?

15 A. That I'm transgender.

16 Q. And do you consider yourself
17 transgender or not?

18 MS. BONHAM: Objection. Asked and
19 answered.

20 THE WITNESS: I consider myself
21 transgender to the point of I don't agree with
22 what the doctors assigned my gender as a birth,
23 but yet I've always felt like a woman,
24 therefore, part of me always feels like I'm not
25 transgender, so there's two parts of that

1 question that I can't fully agree with your
2 statement. And I'm not trying to make it
3 difficult for you, you're just -- I don't think
4 you perceive how some of us are, and that's my
5 perception from some of your wording.

6 Q. Well, it's fair to say you don't
7 try to hide your gender identity as female from
8 others, right?

9 MS. BONHAM: Objection.

10 THE WITNESS: No.

11 Q. And you present yourself to your
12 friends, your family, the public at large as a
13 female, right?

14 MS. BONHAM: Objection.

15 THE WITNESS: I present myself in
16 the identity that I am, which is female.

17 Q. Are you familiar with the term
18 gender dysphoria or gender incongruence?

19 A. I'm familiar with the term or the
20 wording of gender dysphoria, but not gender
21 incongruence.

22 Q. Okay. In my mind, those are
23 synonyms, but I'm happy to just use "gender
24 dysphoria" if that's the term you're familiar
25 with, okay?

1 Is it your understanding that
2 gender dysphoria is a clinical diagnosis where
3 a person's biological sex does not match his or
4 her gender identity?

5 MS. BONHAM: Objection. Calls for
6 expert testimony.

7 THE WITNESS: In my opinion, I am
8 not sure what the clinical definition of it is,
9 or not even in my opinion. I am not sure what
10 the clinical definition of it is.

11 Q. So you don't know one way or the
12 other whether being diagnosed with gender
13 dysphoria means that there's an incongruence
14 between a person's biological sex and his or
15 her gender identity; is that accurate?

16 MS. BONHAM: Same objection.

17 THE WITNESS: And same answer. I'm
18 not sure what the medical definition of gender
19 dysphoria is.

20 Q. But you acknowledge that you've
21 received a diagnosis of gender dysphoria,
22 right?

23 A. I will acknowledge that I have
24 received a diagnosis of gender dysphoria, yes.

25 Q. Would you agree that if two items

1 are incongruent with one another, they can't be
2 the same logically?

3 MS. BONHAM: Objection. Calls for
4 speculation. Vague.

5 THE WITNESS: It depends on what
6 you're referring to.

7 Q. Well, I guess give me an example
8 where two incongruent things can be the same.

9 MS. BONHAM: Same objection.

10 THE WITNESS: Okay. Pardon my
11 moving around.

12 You can have two identical tables
13 that look similar, appear to be similar, but
14 made of different things, therefore, they're
15 not the same, they're incongruent, but they
16 appear to be the same, so, therefore, they're
17 congruent. Are you with me?

18 Q. No, but...

19 A. Okay.

20 Q. I guess I don't -- so the tables
21 are -- and I don't want to beat this
22 hypothetical to death, but the tables are made
23 of different materials, but for all other
24 purposes, they look the same, so in your mind,
25 they're both congruent and incongruent?

1 A. Correct.

2 Q. Okay.

3 A. Schroder's [sic] cat.

4 Q. I got it. The cat is dead, it's
5 not dead. Sure.

6 MS. BONHAM: So speaking of the
7 hypothetical, what's the point?

8 MR. BLAKE: It's her hypothetical,
9 right?

10 MS. BONHAM: Well, it's your
11 hypothetical.

12 MR. BLAKE: Nope.

13 MS. BONHAM: You're asking her to
14 provide, like, contextless, foundationless
15 testimony.

16 MR. BLAKE: She disagreed with my
17 question which is that something that's
18 incongruent has to be different, right? If two
19 things are incongruent, they cannot be the
20 same. She disagreed with that. I asked her to
21 provide an example. She provided table
22 example. Fine.

23 MS. BONHAM: That's fine.

24 THE WITNESS: The other example
25 that I would give is Schroder's cat.

1 Q. Sure. Your claim or one of your
2 claims in the complaint is that the Department
3 of Health discriminates against transgender
4 people because they are not permitted to change
5 the sex identifier on their birth certificate;
6 is that accurate?

7 A. I believe that's what it states in
8 the claim, yes.

9 Q. And, again, that's not a direct
10 quote, it's -- but it's general understanding
11 of the claim, right?

12 A. It is. I believe it's what it
13 states, yes.

14 MS. BONHAM: I'd just like to
15 remind us of the continuing objection and maybe
16 just get you to agree to it.

17 MR. BLAKE: Noted. Yeah.

18 MS. BONHAM: We have an issue with
19 "biological sex."

20 Q. Are you aware of any laws in Ohio
21 related to birth certificates that mention
22 transgender individuals?

23 A. I am not an expert on Ohio law, no.

24 Q. But it's fair to say that you're
25 not aware of if there are laws one way or the

1 other?

2 A. Correct.

3 Q. Same question with just a slight
4 deviation. Are you aware of any laws in Ohio
5 related to birth certificates that make any
6 mention of gender?

7 A. Again, I'm not an expert on Ohio
8 law.

9 Q. Do you know whether Ohio laws
10 permit anyone, regardless of gender, to change
11 their sex marker on their birth certificate?

12 MS. BONHAM: Objection. Calls for
13 a legal conclusion.

14 THE WITNESS: I will let you know
15 that I do not know of any laws like that, but
16 there was a young lady, which I do not recall
17 her name, at the Department of Health who told
18 me at one time they did allow and did do marker
19 changes on birth certificates.

20 Q. Do you know if that was pursuant to
21 any law in Ohio or --

22 A. I do not know.

23 Q. Irrespective of what that person
24 you just mentioned told you about what
25 Department of Health's policy or procedures or

1 practice may have been previously, is it your
2 understanding that currently, the Department of
3 Health will not change a birth certificate
4 based on gender identity?

5 A. She told me that they would never
6 change another birth certificate ever again,
7 her exact words.

8 Q. Do you recall the -- the name of
9 that person?

10 A. I do not.

11 Q. Do you recall approximately when
12 that was told to you?

13 A. It was the same day as the TSA
14 incident.

15 Q. All right. So is it your
16 understanding that ODH will not change a birth
17 certificate based on gender identity regardless
18 of whether the person is transgender or
19 cisgender or anything else?

20 MS. BONHAM: Objection.
21 Foundation.

22 THE WITNESS: I personally don't
23 know what their policy is or why they won't
24 change it. She just told me they would never
25 change it ever again.

1 Q. But you don't know one way or the
2 other whether that's a rule that only applies
3 to transgendered people or whether it applied
4 to everyone?

5 MS. BONHAM: Objection. Calls for
6 a legal conclusion. Foundation.

7 THE WITNESS: Again, I don't know.

8 Q. Do you understand that Ohio has
9 laws related to the birth certificates?

10 A. No.

11 Q. You don't know whether Ohio has any
12 laws what regarding how the records are created
13 or maintained or updated or anything like that?

14 A. Again, I'm not an expert on law or
15 Ohio law, so, therefore, no.

16 Q. Okay. So you wouldn't know when,
17 if ever, Ohio's laws related to birth
18 certificates were enacted?

19 MS. BONHAM: Objection.
20 Foundation. Asked and answered.

21 THE WITNESS: No.

22 Q. And you don't know who sponsored
23 such a bill if any existed?

24 MS. BONHAM: Same objection.

25 THE WITNESS: Again, no.

1 Q. Whether it was started in the house
2 or the senate?

3 A. Again, no.

4 Q. Whether or how the bill was
5 received in a committee, if at all?

6 A. Again, no.

7 Q. Whether there was any testimony
8 regarding such a bill?

9 A. No.

10 Q. Whether there was any testimony or
11 evidence presented by the chamber regarding the
12 bill?

13 MS. BONHAM: Continued objection to
14 this line of apparently irrelevant questions.

15 THE WITNESS: No.

16 Q. And you're not aware of any
17 legislative purpose related to Ohio's laws, if
18 any, regarding birth certificates?

19 MS. BONHAM: Objection. Calls for
20 a legal conclusion.

21 THE WITNESS: Again, not an expert
22 on Ohio law. I do not know of any laws. I am
23 not aware of any laws on this matter.

24 Q. Do you have any evidence at all
25 that Ohio's laws, if any, regarding the

1 amendment of its birth records are motivated by
2 any hatred or ill will towards transgendered
3 people?

4 MS. BONHAM: Objection.
5 Foundation. Calls for a legal conclusion.

6 THE WITNESS: Again, I'm not an
7 expert on Ohio law. No, will I speculate
8 whether a law was passed in malice or not, if
9 there is such a law.

10 Q. But you don't have any evidence
11 about it at this point?

12 MS. BONHAM: Objection. Calls for
13 a legal conclusion.

14 THE WITNESS: Again, I have -- I'm
15 not an expert on Ohio law, nor will I make any
16 speculations if there is any laws. I do not
17 have any evidence towards any Ohio laws nor
18 have I studied any Ohio laws.

19 Q. All right. Let's take a look back
20 at your birth certificate, if you would,
21 Defendants' Exhibit 1. Do you know what a
22 public record is?

23 A. Yes.

24 Q. What's your understanding of a
25 public record?

1 A. Any record that's available to the
2 public.

3 Q. Would you consider your birth
4 certificate a public record.

5 MS. BONHAM: Objection.
6 Foundation.

7 THE WITNESS: With cause.

8 Q. What do you mean by "with cause"?

9 A. You have to have cause to pull
10 somebody's birth certificate.

11 Q. Okay. Are you aware that anyone
12 can go to any county health department in Ohio
13 and as long as you know their name and
14 approximate birth year of an individual, you
15 can request the birth certificate with or
16 without any cause?

17 A. No. That is not my understanding.

18 Q. Okay. But like you said before,
19 you haven't looked into the law regarding birth
20 certificates, so...

21 A. I'm not an expert on the laws.

22 Q. Would it surprise if you that was
23 the law?

24 A. Yes.

25 Q. All right. As we talked about

1 before, your birth record reflects sex and
2 male. Do you recall that?

3 MS. BONHAM: Objection. Misstates
4 testimony.

5 THE WITNESS: I do recall some
6 mentioning of it, yes.

7 Q. I mean, that's what your birth
8 certificate says, right?

9 MS. BONHAM: Objection.

10 THE WITNESS: That is what is
11 printed upon this record, yes.

12 Q. Okay. And that information was
13 recorded by the Department of Health based on
14 information provided by the medical provider at
15 or near the time of your birth, right?

16 MS. BONHAM: Objection.
17 Foundation.

18 THE WITNESS: To the best of my
19 understanding, that is the way it works.

20 Q. And the medical provider determined
21 your sex as male at the time of birth, right?

22 MS. BONHAM: Objection to the term
23 "sex." Foundation.

24 THE WITNESS: I can't speculate how
25 he determined it.

1 Q. All right. So I didn't ask how the
2 medical provider, he or she, determined your
3 sex, I think I just asked whether the medical
4 provider determined your sex as male at the
5 time of birth. We can agree on that, right?

6 MS. BONHAM: Same objection.

7 THE WITNESS: I would word it they
8 made an assumption upon my gender.

9 Q. Okay. They made an assumption
10 about your gender based on what?

11 MS. BONHAM: Objection.
12 Foundation.

13 THE WITNESS: I don't know what
14 their criteria is they use.

15 Q. Okay. Would you agree that it was
16 accurate for the medical provider to report
17 your sex as male as reflected on your birth
18 certificate at the time of birth?

19 A. No.

20 Q. All right. Do you think -- do you
21 think it would have been accurate for the
22 medical provider to have reported your sex at
23 birth as female on the birth record?

24 MS. BONHAM: Objection.

25 THE WITNESS: No.

1 Q. Okay. So you don't believe male
2 would have been accurate, right?

3 A. Correct.

4 Q. And you don't believe female would
5 have been accurate?

6 A. Correct.

7 Q. What do you believe should have
8 been reported as your sex at birth?

9 A. You're asking me to speculate what
10 they should put down in their mind, and I can't
11 do that.

12 Q. No, I'm not asking you what they
13 should put down in their mind, I'm asking you:
14 What do you believe would have accurately
15 reflected your sex at birth?

16 A. Female.

17 Q. Okay. Based on what criteria would
18 the medical provider have been able to
19 determine that your sex was female at the time
20 of birth?

21 MS. BONHAM: Objection. Calls for
22 expert testimony.

23 THE WITNESS: Well, one, I'm not an
24 expert in the medical profession; two, I don't
25 know what criteria they did use nor should I

1 speculate on what criteria they should use.

2 Q. You don't have any idea what the
3 medical provider used to determine your sex as
4 male at the time of birth?

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 MS. BONHAM: Objection. Invasive.
16 Irrelevant. Calls for expert testimony.

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 you think it would have been accurate for the
22 medical provider to report to the Department of
23 Health that your sex was, in fact, female?

24 MS. BONHAM: Objection. Misstates
25 testimony. Calls for expert testimony.

1 Foundation. Calls for legal conclusions.

2 THE WITNESS: Again, not an expert.

3 Do not know the criteria that they use to
4 report, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] that
5 does not determine in my mind what should be
6 reported on a birth certificate.

7 Q. You say you don't know what
8 criteria go into a medical provider's
9 determination of sex at the time of birth,
10 right?

11 A. That is correct.

12 - - - - -

13 (Thereupon, Deposition Exhibit 2,
14 Complaint, was marked for purposes
15 of identification.)

16 - - - - -

17 Q. I've just handed you Defendants'
18 Exhibit No. 2, which is a copy of the complaint
19 that you, among others, filed in this matter.
20 The first named defendant is Stacie Ray.
21 That's you, right?

22 A. That is correct.

23 Q. I'm sorry. The first named
24 plaintiff, Stacie Ray, that's you, right?

25 A. That is correct.

1 Q. Did you review this complaint
2 before it was filed?

3 A. I did.

4 Q. Did you have input into its
5 preparation and so forth?

6 A. Clarify "input."

7 Q. Well, I mean, did you provide facts
8 and allegations and so forth?

9 A. I provided facts and statements to
10 incidents that had happened to me, yes.

11 Q. And before it was filed, did you
12 review it and approve it for filing?

13 A. Before it was filed, yes, I
14 approved my portion of the complaint.

15 Q. Did you review the facts that were
16 filed in support of your allegations?

17 A. I believe I did, but I do not
18 recall what they were.

19 Q. All right. If you turn to Page 5
20 and look at Paragraph 20, it says: A person's
21 gender marker on a birth certificate is usually
22 designated at birth based solely on the
23 appearance of external genitalia.

24 Do you see that?

25 A. I do.

1 Q. Having read that or had that
2 paragraph read to you, does it refresh your
3 recollection as to what a medical provider uses
4 to designate an individual's sex at the time of
5 birth?

6 MS. BONHAM: Objection. Misstates
7 testimony. Foundation.

8 THE WITNESS: If this is the
9 criteria that they use, I did not know that
10 that was the actual, quote/unquote, medical
11 criteria that they use as stated.

12 Q. All right. Do you have any
13 evidence to support the allegation or your
14 statement, which you just made, [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 MS. BONHAM: Objection. Misstates
19 testimony. She literally did not say that.

20 THE WITNESS: Again, I said that I
21 do not know what the medical criteria that they
22 use to determine.

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 MS. BONHAM: Objection. Asked and
2 answered. Foundation. She's saying repeatedly
3 that she doesn't know.

4 THE WITNESS: Not a medical expert.
5 I am not an medical expert, I should say. I do
6 not know the criteria. I have no evidence
7 towards what the criteria is or is not.

8 Q. [REDACTED]
9 [REDACTED] you would agree
10 that it was accurate for the medical provider
11 to report your sex as male to the Department of
12 Health, correct?

13 MS. BONHAM: Objection.
14 Argumentative. Asked and answered.
15 Foundation.

16 THE WITNESS: Again, I'm going to
17 go back to no.

18 Q. No, you think it was inaccurate for
19 the doctor to report your sex as male to the
20 Department of Health [REDACTED]

21 [REDACTED]

22 MS. BONHAM: Vague.

23 THE WITNESS: I answered no, that I
24 did not agree with the statement you had made.

25 MR. BLAKE: Okay. Could you read

1 back my question that she answered "no" to?

2 (Question read back as requested.)

3 Q. Upon what basis do you contend that
4 the medical provider's information provided to
5 the Ohio Department of Health on your birth
6 certificate was inaccurate?

7 MS. BONHAM: Objection. This
8 entire line of testimony calls for expert
9 testimony and misstates her testimony
10 completely. She's answered to the best of her
11 personal knowledge already.

12 THE WITNESS: Again, not an expert
13 on the law, not an expert on the criteria, not
14 an expert on what they should report and not
15 report, so I have no -- I can't help you with
16 that.

17 Q. You don't have any -- you don't
18 have an answer to my question?

19 MS. BONHAM: Objection. Misstates
20 testimony. Asked and answered.

21 THE WITNESS: I had an answer. I'm
22 not an expert on the law, I'm not an expert on
23 the criteria. I cannot provide you on what
24 they should provide the Department of Health.

25 Q. And so [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] you
3 disagree that your birth certificate accurately
4 reflects your sex as reported at the time of
5 birth?

6 MS. BONHAM: Objection. Vague.
7 Compound and calls for expert testimony.
8 Misstates testimony. Continuing objection to
9 terms of art like "sex" and [REDACTED] [REDACTED]
10 We've been at this for, like, ten minutes.

11 THE WITNESS: I don't know what you
12 want from me on that question. I really don't.

13 MR. BLAKE: Can you read the
14 question again? Let me know if there's a point
15 that's not clear, but can you read the question
16 again?

17 (Question read back as requested.)

18 THE WITNESS: I do disagree.

19 Q. You have your birth record there in
20 front of you, Defendants' Exhibit 1. The birth
21 certificate doesn't include a gender marker,
22 correct?

23 MS. BONHAM: Objection to the term
24 "gender marker." Calls for a legal conclusion.

25 THE WITNESS: No words that say

1 "gender" or "marker" on the birth certificate,
2 no.

3 Q. And your birth certificate does not
4 record a gender identity, right?

5 MS. BONHAM: Same objection.

6 THE WITNESS: Those words are not
7 present on the document in front of me.

8 MS. BONHAM: Is it okay to take a
9 break? There's no question pending.

10 MR. BLAKE: There's no question
11 pending. That's fine.

12 MS. BONHAM: Thanks.

13 - - - - -

14 (Thereupon, Deposition Exhibit 3,
15 Ohio Department of Health Form, was
16 marked for purposes of
17 identification.)

18 - - - - -

19 (Recess taken.)

20 Q. I have just handed you what
21 highways been marked as Defendants' Exhibit 3.
22 And I can tell you that this is a generic form
23 of all the data that the Ohio Department of
24 Health tracks when a person is born in Ohio.
25 Have you ever seen this document or any

1 document like it before?

2 A. No.

3 Q. Okay. You can -- well, I hate to
4 do this to you, but does this form record
5 gender or gender identity?

6 MS. BONHAM: Objection.
7 Foundation.

8 THE WITNESS: I've currently
9 skimmed to Page 6. I mean, if we want to
10 continue to waste time, we can, but I don't
11 know. I do not see it, but I don't know.

12 Q. Are you aware of any form or
13 records maintained by the Department of Health
14 that track a person's gender or gender
15 identity?

16 MS. BONHAM: Objection.
17 Foundation.

18 THE WITNESS: I do not know ODH's
19 practices or policies.

20 Q. So the answer to that question is
21 no?

22 MS. BONHAM: Objection.

23 Q. You're not aware?

24 MS. BONHAM: Misstates testimony.

25 THE WITNESS: Again, I'm not aware

1 of the -- ODH's practices or policies and what
2 they do or not do.

3 Q. Are you familiar with the term
4 "karyotype"?

5 A. No.

6 Q. You've never heard that term?

7 A. I think it was mentioned to me
8 yesterday.

9 Q. Well, I don't want to hear about
10 any conversations you had yesterday 'cause
11 those were likely with counsel, but what about
12 chromosomes, generally, have you heard that
13 term used before?

14 A. I have a very limited knowledge of
15 chromosomes.

16 Q. Me too. So if -- if someone had XX
17 chromosomes, would that indicate to you that
18 their sex was female?

19 MS. BONHAM: Objection.
20 Foundation. Calls for expert testimony.

21 THE WITNESS: To be honest, I'm not
22 a medical expert. I can't even tell you -- no.
23 I don't know.

24 Q. Okay.

25 A. And there's my limited knowledge.

1 Q. Are you aware that someone's
2 biological sex is determined by chromosomes?

3 MS. BONHAM: Objection. Calls for
4 a legal conclusion. Calls for expert
5 testimony. Argumentative.

6 THE WITNESS: No.

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 MS. BONHAM: Objection. Compound.
17 Foundation. Calls for expert testimony.

18 THE WITNESS: I don't believe I'm
19 able to answer that question [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 MS. BONHAM: Objection. Asked and
25 answered.

1 THE WITNESS: Again, [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 Q. Are you aware of any procedure by
4 which a person can change their chromosomes?

5 MS. BONHAM: Objection.
6 Foundation.

7 THE WITNESS: No.

8 Q. Are you aware of any method by
9 which a person's gender identity can be
10 determined at the time of birth?

11 MS. BONHAM: Objection.
12 Foundation. Asked and answered.

13 THE WITNESS: I am unaware -- I'm
14 not a medical expert and I'm not in any
15 position to speculate on how someone determines
16 gender identity.

17 Q. When did you determine that your
18 gender identity did not match your biological
19 sex?

20 MS. BONHAM: Objection.

21 THE WITNESS: January 1982.

22 Q. You were approximately nine years
23 old at that time?

24 A. Correct.

25 Q. Prior to that time, did your gender

1 identity match the sex recorded on your birth
2 certificate?

3 MS. BONHAM: Objection.

4 THE WITNESS: Prior to that time, I
5 was ignorant to the subject.

6 Q. So you didn't know one way or the
7 other?

8 MS. BONHAM: Objection. Misstates
9 testimony.

10 THE WITNESS: I was ignorant to the
11 subject of gender identity, my gender identity.

12 Q. Since that time, did you start
13 living your life -- and when I say "that time,"
14 since you were nine years old, did you start
15 living your life as a female?

16 MS. BONHAM: Objection. Asked and
17 answered.

18 THE WITNESS: At nine years of age,
19 I knew something was very different about me.
20 I had discussions about it and I was told to
21 never talk that way again.

22 Q. Who did you have discussions with?

23 A. My mother.

24 Q. I think earlier, there was some
25 testimony about living your life in a way that

1 you could present the identity to the person --
2 to the other person in the way that they wanted
3 to perceive you. Is that accurately stating
4 what you testified to before?

5 MS. BONHAM: Objection.

6 THE WITNESS: It would be a very
7 offshoot way of twisting what I said, yes.

8 Q. Yeah. I mean, I don't want to
9 twist your words. That was a confusing part of
10 your testimony for me, and I just -- my
11 recollection was that you -- you testified that
12 you presented yourself in a way that allowed
13 others to perceive sort of what they wanted to
14 perceive about your identity.

15 MS. BONHAM: Same objection.

16 Q. Is that right?

17 A. I don't know if this is verbatim to
18 what I said earlier.

19 Q. Sure.

20 A. But -- okay. Let's change this up
21 a little bit so we can understand each other a
22 little better.

23 Q. Thank you.

24 A. A little more clearly.

25 Until I was 18, I didn't have a

1 choice. I had to wear what I was told to wear
2 and do what I was told to do, and I wasn't
3 brave enough to be myself for a little while
4 afterwards, so I still kept the façade up for a
5 while. Is that understandable?

6 Q. It makes sense to me.

7 A. Thank you.

8 Q. So nine years old, you realize
9 there was something different about you and you
10 started to understand that it had something to
11 do with your gender identity; is that accurate?

12 A. To some degree, yes.

13 Q. And I get it and I think it's
14 probably completely natural that these things
15 don't happen like an on-and-off switch, right?

16 A. Correct.

17 Q. You kind of come to -- as everyone
18 sort of comes to their identity over the course
19 of several months or years or even decades,
20 right?

21 MS. BONHAM: Objection.

22 THE WITNESS: I can't speculate on
23 others, I can only speculate on my account.

24 Q. Is that consistent with your
25 experience?

1 A. My personal experience is what I
2 felt -- at nine years of age, I seen a
3 television show called Love Boat.

4 Q. Yeah.

5 A. I don't know if you're old enough
6 to remember it or not.

7 Q. I don't know either.

8 A. Probably not. At the time, I seen
9 a female that had changed from male to female.

10 Q. Correct.

11 A. And this let me know that there was
12 hope for me that I could live my life the way I
13 feel, the way I believed that I was and am. So
14 it was more of a conscious awareness that was
15 presented to me, and I can't state that
16 everybody has that revelation. I knew
17 something was different even when I was younger
18 than that, but that's the point of when I knew
19 what it was exactly -- that I could pinpoint
20 exactly what it was.

21 Q. Yeah. So prior to that, and it's
22 not surprising as a young child, you didn't
23 necessarily have the vocabulary or the
24 experience to even say what it was, right?

25 A. If the question you're asking is

1 did I understand before then, then yes, that
2 would be correct.

3 Q. Okay. And then for some period of
4 time because of societal pressures from your
5 parents or friends or whomever, your family
6 members, you conformed to an identity which you
7 did not necessarily agree with, right?

8 MS. BONHAM: Objection.

9 THE WITNESS: No.

10 Q. No. You were -- okay. So I
11 thought what you had said that until you were
12 18 you didn't have a choice, you had to live
13 your life in a certain way, and then there was
14 a period of a few years after that where you
15 still were sort of coming out of that pressure
16 before you were finally able to start
17 expressing your gender identity in the form
18 that you are today.

19 MS. BONHAM: Objection.

20 THE WITNESS: But you're saying
21 that I lived that gender identity, no. I still
22 had the gender identity of female.

23 Q. Okay. You presented on -- to
24 others on the outside as a gender identity you
25 didn't agree with; is that accurate?

1 A. I would say that's not even
2 accurate, no.

3 Q. Okay. Tell me --

4 A. My personal experience is, as I
5 stated earlier, I wore the clothes that I was
6 told to wear, I acted the way I was told to act
7 until I was 18. Once I was 18, my actions
8 became a little different, little more me, but
9 I wasn't brave enough to -- to change the
10 clothes yet.

11 Q. Okay. So when did you become brave
12 enough to change the clothes?

13 A. August 24th, 2016.

14 Q. Why does that date stick in your
15 mind?

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Q. That was about the same time that
20 you were attending these transgender support
21 groups, right?

22 A. Actually, I started the transgender
23 support groups after, so maybe it was 2015.
24 I'm sorry.

25 Q. So August 2015, [REDACTED]

1

2

A. Correct.

3

4

5

6

7

8

Q. And then the following year, you start attending some transgender support groups, but it was several years before that that you had informed your now wife, then partner, Tanya, that you didn't identify as a male; is that accurate?

9

10

11

A. That is accurate. And I'm going to ask you real fast. You keep saying her name's "Tanya" and I said "Tanya."

12

Q. Oh, sorry.

13

14

15

A. So I don't know what spelling you have down, but if it's T-o-n-y-a, that is incorrect. It's T-a-n-y-a.

16

Q. Thank you for --

17

A. Just for the record.

18

19

20

Q. Thank you for spelling that. I had it spelled properly, I just was pronouncing a -- I guess goofy "A." "Tanya."

21

22

23

So at least until August 24th, 2015, you were still wearing men's clothing, right?

24

A. No.

25

MS. BONHAM: Objection.

1 Q. No. All right. So as you said
2 before, you weren't brave enough until
3 August 24th, 2015 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] correct?

5 A. That is correct.

6 Q. So I guess we need to sort of flesh
7 out what you meant by "brave enough." Prior to
8 that date, were you exclusively wearing men's
9 clothing?

10 MS. BONHAM: Objection.

11 THE WITNESS: No.

12 Q. Okay.

13 A. I -- on that date is when I
14 exclusively switched to women's clothing only.
15 There was a combination from the time I was 18
16 until then that I would wear either/or.

17 Q. And would it depend in part of what
18 social setting you were in?

19 A. Depended in part on what I wanted
20 to pick out of the closet that day.

21 Q. Okay. No other considerations than
22 just what was on top?

23 MS. BONHAM: Objection.

24 THE WITNESS: It would be the same
25 as how you picked that tie today.

1 Q. Fair enough.

2 You have a driver's license, right?

3 A. I do.

4 Q. Do you know how often you update
5 the driver's license approximately?

6 A. I believe Ohio regulations state
7 that it has to be every four years.

8 Q. Yeah. Give or take, right?

9 A. I don't think that the law says
10 "give or take." I think it's exclusively to a
11 set time frame.

12 Q. Okay. Do you ever change your hair
13 color?

14 A. I probably should.

15 Q. Do you know what the hair color is
16 on your driver's license?

17 A. It says brown.

18 Q. Okay. Have you ever, when you go
19 in and update it, said it's, you know, blonde
20 or some other color?

21 A. If it doesn't change, then no, I
22 didn't, but it kind of has.

23 Q. Do you think the next time you go
24 in, you're going to change your hair color on
25 your driver's license?

1 A. Yeah, to say dirty blonde/gray.

2 Q. I don't know if they have dirty
3 blonde. Gray might be one. Yeah, gray might
4 be one, but okay.

5 And what about weight, do you ever
6 update your weight when you update your
7 driver's license?

8 A. I'll be honest, I lie about that.

9 Q. Well, I think everybody lies about
10 it, but it has changed over time, correct?

11 A. I would -- I would hope so, yes.
12 Unfortunately, I need it to change again, but
13 in the other direction.

14 Q. And what about your address, you
15 update and change your address on your driver's
16 license?

17 A. I let the Department -- Department
18 of Motor Vehicle know my address, but I don't
19 always get a new license because I hold a
20 commercial driver's license and it is quite
21 expensive to have a new printout down.

22 Q. So the way that works, right, is
23 you send in an update form and they send you a
24 little card that you can keep with your
25 driver's license, right?

1 A. I just go in and tell them and they
2 just give me a card.

3 Q. Okay. I think I've done that once
4 before too because I was a year or something, I
5 didn't feel like paying the fee.

6 Have you ever been pulled over,
7 traffic stop?

8 A. Yes.

9 Q. And so you're familiar, you know,
10 the officer walks up to the window and says,
11 "Driver's license, registration, insurance,"
12 something like that, right?

13 A. Something to that effect, yes.

14 Q. You've never been asked to show
15 your birth certificate during a traffic stop,
16 right?

17 A. To the best of my knowledge, no. I
18 have personally never been asked, no.

19 Q. Driver's license, at least as best
20 as we can, should be current documents so that
21 law enforcement can do his job, right?

22 A. Yes.

23 Q. You ever use your birth certificate
24 to buy beer?

25 A. No.

1 Q. Get into an R rated movie?

2 A. No.

3 Q. Get into a bar?

4 A. No.

5 Q. Verify a credit card purchase?

6 MS. BONHAM: Objection.

7 THE WITNESS: No.

8 Q. Get on a plane?

9 MS. BONHAM: Objection.

10 THE WITNESS: Yes.

11 Q. All right. Tell me the time when
12 you used your birth certificate to get on a
13 plane.

14 A. I had of my birth certificate sent
15 to me when I flew to Florida because I was
16 putting down female at the TSA agent [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 Q. So they sent you a birth
19 certificate -- someone sent you a picture of
20 your birth certificate on your phone or
21 something?

22 A. Correct.

23 Q. And you used that picture of the
24 birth certificate to convince TSA what?

25 A. That I was transgender.

1 Q. Okay.

2 A. So I didn't have to strip.

3 Q. Okay. All right. What about to
4 rent a car?

5 A. No.

6 Q. And you don't carry your birth
7 certificate with you, do you?

8 A. Not always, but sometimes.

9 Q. Okay. It's not on you right now,
10 is it?

11 A. No.

12 MS. BONHAM: Other than the
13 deposition exhibit.

14 THE WITNESS: Oh, yes.

15 MR. BLAKE: Noted.

16 THE WITNESS: That's a good catch.

17 Q. Yeah. Other than the copy that I
18 provided to you earlier today, you didn't bring
19 a copy of your birth certificate with you,
20 right?

21 A. I personally did not bring my own
22 copy with me, no.

23 Q. And you would agree that a driver's
24 license is a much different document than a
25 birth certificate, right?

1 MS. BONHAM: Objection. Calls for
2 a legal conclusion. Foundation. Calls for
3 speculation.

4 THE WITNESS: Define.

5 Q. Define different?

6 A. You said it's -- am I -- I may be
7 misquoting you here, but you said that it is a
8 different legal document.

9 Q. It is a much different document
10 than a birth certificate.

11 MS. BONHAM: Same objection.

12 THE WITNESS: Yes, it is a
13 different document.

14 Q. All right. If you can go back to
15 Exhibit 2, which is the complaint, Defendants'
16 Exhibit 2. Let me know when you're done.

17 A. You haven't given me a page number.

18 Q. Oh, you have the exhibit in front
19 of you?

20 A. I do.

21 Q. Paragraph 52.

22 A. Page?

23 Q. Page 11.

24 A. Thank you. Okay.

25 Q. It says: Ms. Ray is aware of the

1 high incidents of harassment, discrimination
2 and violence directed at transgender people.
3 In her work as a truck driver, she has been
4 harassed and menaced at truck stops and rest
5 stops. As a result, she must take precautions
6 for her personal safety. For example, Ms. Ray
7 uses highway rest stops designed for use by the
8 general population rather than designated truck
9 stops. This is because lighting, security
10 cameras, quick accessibility to the highway and
11 the presence of police is better at rest stops
12 and truck stops.

13 Do you see that?

14 A. I do.

15 Q. You've never been required to show
16 your birth certificate to anyone at a truck
17 stop or rest stop, have you?

18 A. Not in the current states I've been
19 driving, but I will make an addendum if I go to
20 North Carolina and they ask for it, I must
21 present it.

22 Q. So if you go to North Carolina to a
23 truck stop, they can ask you for your birth
24 certificate?

25 A. If I go to North Carolina and I am

1 subjected to DOT regulations which means I can
2 be pulled over any time I have to go into weigh
3 stations, their law down there states that I
4 must be able to present a birth certificate.

5 Q. So is that why, when I asked you do
6 you carry it with you, you answered sometimes?

7 A. That is not the only reason.

8 Q. Okay. But there are -- that's one
9 of the reasons why?

10 A. That is one of reasons, if I travel
11 out of state.

12 Q. Has that ever happened to you?
13 Have you ever been asked to present your birth
14 certificate at a DOT truck stop or weigh
15 station?

16 A. Not yet.

17 Q. At least in regards to Paragraph
18 No. 52, you don't contend that anything ODH has
19 done has resulted in the harassment at the
20 truck stops, right?

21 MS. BONHAM: Objection. Calls for
22 a legal conclusion. Vague.

23 THE WITNESS: I do not agree with
24 that assertion [sic].

25 Q. Okay. So in what ways do you

1 disagree?

2 A. That if I have a birth certificate
3 that I could present, I wouldn't have to worry
4 about the harassment as much, a correct, legal
5 birth certificate to present.

6 Q. You testified you haven't ever had
7 to produce your birth certificate.

8 A. Correct.

9 Q. So if you haven't had to produce
10 your birth certificate at a truck stop, how
11 would ODH's birth record have caused any
12 harassment that you've suffered at truck stops?

13 MS. BONHAM: Objection. Misstates
14 testimony. Vague.

15 THE WITNESS: In my personal
16 opinion, when people want to make assertions
17 as to my gender, I'd be able to show them what
18 my gender is.

19 Q. So you think that having a birth
20 record that reflected sex as female would allow
21 you to prevent harassment at truck stops?

22 MS. BONHAM: Objection. Same
23 objection.

24 Q. Is that accurate?

25 A. For my particular case, I have been

1 pressured by people at truck stops to provide
2 such documents. Now, these are not law
3 enforcement officials, so they're generally
4 ignored, but I would be able to have some kind
5 of back-up protection from the state.

6 Q. So there are -- there are instances
7 at truck stops where another truck driver or
8 someone at a truck stop has said, "Show me your
9 birth certificate," or something like that?

10 A. I have been asked by people to show
11 them my birth certificate upon exiting a female
12 bathroom, yes.

13 Q. And you think if your birth
14 certificate reflected female, you would be able
15 to cut off or curtail whatever harassment that
16 followed?

17 MS. BONHAM: Objection.

18 THE WITNESS: I do.

19 Q. If you didn't show these people who
20 were harassing you at the truck stop your birth
21 certificate, how did they know you were
22 transgender?

23 MS. BONHAM: Objection.

24 THE WITNESS: Who's to say that
25 that's what they said?

1 Q. Well, what did they say?

2 A. That I'm not a female.

3 Q. Did you tell them you weren't a
4 female?

5 A. No.

6 Q. They just assumed that you weren't
7 a female?

8 A. I'm guessing that's what it was by
9 their statement, yes.

10 Q. Like you said before, they never
11 physically assaulted you or anything like that?

12 A. Let's just put it this way: I
13 normally carry a TASER and one big knife that I
14 don't have here today.

15 Q. Thank you. Neither of those are
16 permitted in the building, FYI.

17 A. I was told -- and let's put it this
18 way: I've had to get them out before. Have I
19 had to use them, no. Would I? I will do what
20 it takes to defend my own life.

21 Q. And you think if you had had an
22 accurate birth certificate that you could have
23 pulled out and showed somebody at the rest stop
24 or truck stop, you wouldn't have had to fend
25 off these would-be assailants or subject

1 yourself to these verbal assaults; is that
2 accurate?

3 A. I will agree with your statement,
4 if I would have had an accurate document, then,
5 yes, I would have been able to present it to
6 people to curtail potential violence, per your
7 statement.

8 Q. And on what basis do you make that
9 statement?

10 MS. BONHAM: Objection. Vague.

11 THE WITNESS: You had just said if
12 I had had an accurate document.

13 Q. Oh, what I said was it's your
14 testimony, right? So I'm trying to understand,
15 A, would you make that statement, and then the
16 follow-up is what's the basis for that? How do
17 you know how they would have reacted to a birth
18 certificate that reflected sex as female?

19 MS. BONHAM: Objection. Vague.
20 Compound.

21 THE WITNESS: I can't -- upon my
22 assumptions that in somebody see as female on a
23 birth certificate and I'm coming out of female
24 bathroom, which is their problem --

25 Q. Sure.

1 A. -- I'm going to guess they're going
2 to back down that they were just wrong and I'm
3 just one ugly woman.

4 Q. Okay. If you go to Page 12, it's
5 the same page that we were on, Paragraph 54.
6 I'm not going to read the whole paragraph, but
7 in that paragraph, you describe a situation
8 where someone at work harassed you based on
9 your status as a transgender person; is that
10 accurate?

11 A. I believe what you said was
12 accurate, yes.

13 Q. And then you go on to allege that
14 your employer did little to stop the
15 harassment, right?

16 A. I go on to state that what I was
17 told with the -- my employer at the time was
18 going to do.

19 Q. And what did your employer do?

20 A. To the best of my knowledge, they
21 informed me that they were going to,
22 quote/unquote, have a conversation with the
23 person.

24 Q. And did the harassment stop after
25 that?

1 A. No. The verbal from her stopped.
2 Others, no.

3 Q. Okay. So there were multiple
4 people at this employer who are harassing you
5 verbally based on your status as a
6 transgendered individual, correct?

7 A. That is correct, but only one
8 threat of violence.

9 Q. All right. And the threat of
10 violence you reported to your employer, your
11 employer spoke to that colleague, and at that
12 point, at least the threats of violence
13 stopped; is that accurate?

14 A. There was no more threats of
15 violence from her. Whether or not they spoke
16 to her, I cannot attest to.

17 Q. Well, would you characterize what
18 your employer did as adequate or sufficient to
19 address your concerns as a transgender in their
20 workplace?

21 A. My personal opinion, I would
22 suggest that what the employer did was
23 inadequate no matter who it was.

24 Q. If anyone, transgender or
25 otherwise, is being threatened by another

1 employee, you think the employer should take
2 some greater action than just merely talking to
3 someone; is that accurate?

4 A. If someone threatens violence at a
5 workplace, they should be terminated
6 immediately.

7 Q. Is it your testimony that the
8 harassment from that individual and others
9 began only after your status as a transgendered
10 person was disclosed?

11 A. Well, seeing as that my status was
12 disclosed upon hiring, yeah, it was pretty much
13 thereafter.

14 Q. And you mean upon hiring, that's
15 when your employer announced to a group of
16 people that the sex on your birth certificate
17 didn't match, right?

18 A. She didn't blatantly, like, look at
19 the crowd and say it, she just said it loud
20 enough for the crowd to understand it, to hear
21 it.

22 Q. Yeah. I think what the allegation
23 is is the human resources person asked in a
24 voice loud enough for everyone in the room to
25 hear, "Why doesn't your gender match," right?

1 A. Correct. And your statement
2 earlier made it sound as though she actually
3 addressed the room as opposed to addressing me.
4 I wanted to make sure there was clarification
5 on that.

6 Q. And there were enough people in
7 there that they overheard it and they reached
8 their own conclusions about what that meant?

9 A. Yes.

10 Q. The employer wasn't ODH or any of
11 the defendants in this case, right?

12 A. No.

13 Q. And was this Zulily? Is that who
14 this was?

15 A. That was who that was, yes.

16 Q. Is it your conclusion based on the
17 harassment that you received that some of your
18 coworkers were prejudice against transgendered
19 people?

20 MS. BONHAM: Objection. Calls for
21 speculation.

22 THE WITNESS: I cannot make an
23 assumption as to what -- how they felt towards
24 transgendered people. I can only let you know
25 the facts of what happened.

1 Q. Well, you state in Paragraph 54
2 that you had been labeled by your hostile
3 coworkers as the freak of the company. Do you
4 see that?

5 A. I do.

6 Q. Does that indicate to you that they
7 were, in at least some way, shape or form
8 prejudice against transgendered people?

9 MS. BONHAM: Same objection.

10 THE WITNESS: I would indicate that
11 at least that I was the freak of the company,
12 which, therefore, they didn't like me for
13 whatever reason that they hold.

14 Q. And the threat of violence, I
15 think, is in the next sentence where the female
16 coworker told you that if she ever encountered
17 you in the women's restroom, the woman would
18 beat your ass; is that right?

19 A. That is correct.

20 Q. The Department of Health didn't do
21 anything to cause those people to label you the
22 freak of the company or to cause them to want
23 to beat your ass for being in the women's
24 bathroom, did they?

25 MS. BONHAM: Objection. Calls for

1 a legal conclusion.

2 THE WITNESS: I'm not a legal
3 expert, but in my personal opinion, in my
4 personal experience, they indirectly did.

5 Q. How?

6 A. If I'd have had an accurate birth
7 certificate, we wouldn't be sitting here
8 talking.

9 Q. You think if your sex identifier on
10 your birth certificate said female, you would
11 not have been labeled the freak of the company?

12 A. Exactly.

13 Q. And this other female coworker
14 wouldn't have threatened to beat your ass?

15 A. There's no basis to suggest
16 otherwise.

17 Q. Why did you show your birth
18 certificate to Zulily?

19 A. It was requested for hiring. It
20 was required upon hiring.

21 Q. That was my next question. Zulily
22 required that document as part of your hiring?

23 A. I had a choice of one of two
24 documents -- or a few documents. I had to
25 present a driver's license, I had to present my

1 Social Security card, and I had to present my
2 birth certificate. The only other option I
3 had, which was not an option to me, was my
4 green card. I was born here, so...

5 Q. So you get to -- at Zulily, you get
6 to provides -- you have to have three of the
7 four documents or is it you have to have --
8 explain to me again the policy 'cause I don't
9 quite understand.

10 A. Driver's license.

11 Q. Do you have the driver's license?

12 A. Yes.

13 Q. Okay. Next one?

14 A. Social Security card.

15 Q. You have to have that one?

16 A. Yes.

17 Q. Birth certificate or --

18 A. Green card.

19 Q. Okay. So only that third document
20 has an either/or?

21 A. Okay. And there was one other
22 thing.

23 Q. Go ahead?

24 A. High School diploma or GED had to
25 also be presented.

1 Q. Okay. Okay. Is that the first job
2 you've ever had?

3 A. No.

4 Q. At previous jobs, were you required
5 to present your birth certificate?

6 A. I don't recall.

7 Q. Did you consider Zulily to be
8 particularly dangerous when you showed them
9 your birth certificate?

10 MS. BONHAM: Objection. Vague.

11 THE WITNESS: You're going -- yeah,
12 you're going to be a little more specific on
13 that question for me to answer.

14 Q. Sure. When you got hired at Zulily
15 and you they told you that you needed to
16 produce your birth certificate, were you
17 concerned for your safety?

18 A. Yes.

19 Q. Were you concerned for your safety
20 because you thought Zulily would try to do
21 something to harm you?

22 MS. BONHAM: Same objection.

23 THE WITNESS: My personal opinion
24 is I don't believe Zulily, the entity, no.

25 Q. You didn't feel bodily harm from

1 Zulily when you showed them that your birth
2 certificate had male as the sex marker, right?

3 MS. BONHAM: Objection. Vague.
4 Mischaracterizes testimony.

5 THE WITNESS: I'm a little confused
6 on your question there. What -- what do you
7 mean?

8 Q. You're in a room, right, as part of
9 your hiring process, right?

10 A. Uh-huh.

11 Q. And ahead of time, they've told
12 you, bring these set of documents, right?

13 A. Correct.

14 Q. Okay. You show up that day, it's
15 you and a handful of other people in the room,
16 right?

17 A. Approximately ten to 15 other
18 people.

19 Q. Other prospective employees who are
20 going through the same hiring process you are,
21 right?

22 A. Correct.

23 Q. Okay. You get called up?

24 A. Correct.

25 Q. All right. You have your portfolio

1 documents, right?

2 A. Correct.

3 Q. At the moment you handed that group
4 of documents over to the HR person who was
5 requesting those documents, did you feel harm,
6 bodily or otherwise, from that HR person?

7 A. I started feeling potential hatred
8 and/or violence as soon as I seen how they were
9 doing it, doing the documentation.

10 Q. What do you mean by that?

11 A. Typical HR hiring process to my
12 experience is it's all kept quiet,
13 confidential, between you and the HR person,
14 not held in an open forum for everybody to
15 hear. As soon as I noticed that they were
16 holding it in an open forum where everybody
17 could hear everything that's going on, I could
18 have sat there and literally wrote down
19 people's Social Security numbers and their
20 birth dates and everything else because she was
21 speaking so loud, my anxiety level went through
22 the roof of potential harm or fear for the
23 documents that I was holding, but I needed a
24 job.

25 Q. What was the -- what was the

1 anxiety directed at? Was it fear of harm from
2 your prospective colleagues or from the person
3 sitting behind the table, the HR person?

4 A. Ten million and one thoughts I had
5 of who could potentially hold harm about the
6 situation.

7 Q. So all of them? Some of them?
8 What's the answer?

9 A. Everybody.

10 Q. So you were applying for a job at
11 Zulily and you got into the HR situation and
12 you immediately, based on the way the HR
13 situation was being handled, you immediately
14 started to fear harm from not only the other
15 people in the room, but the person across the
16 table requesting the documents?

17 A. Correct.

18 Q. So if it was a private setting,
19 would you have had that same fear?

20 A. Yes, but not to the extreme extent.

21 Q. Did Zulily ever do anything to harm
22 you?

23 A. Yes.

24 Q. What did they do?

25 A. First off, let's just start at the

1 beginning. They pretty much said it loud
2 enough that everybody could hear, which they
3 did say it loud enough that everybody could
4 hear.

5 Q. You think that the disclosure of
6 your private information to the group is harm?

7 A. I don't think, I know it is.

8 Q. Okay. Is there anything that
9 you're aware of from the Department of Health
10 requiring you to disclose your birth
11 certificate to your employer?

12 MS. BONHAM: Objection.
13 Foundation.

14 THE WITNESS: Could you repeat the
15 question, please?

16 Q. Sure. I'll rephrase it.

17 ODH didn't require you to disclose
18 your birth certificate to Zulily, right?

19 MS. BONHAM: Objection.
20 Foundation. Calls for a legal conclusion.

21 THE WITNESS: They're the ones who
22 provided me with the inaccurate document that I
23 had to present to obtain employment.

24 Q. With Zulily?

25 A. With Zulily.

1 Q. But it wasn't their rule that
2 required Zulily or that Zulily -- required
3 Zulily to ask for that document from you,
4 right?

5 MS. BONHAM: Objection.
6 Foundation.

7 THE WITNESS: I can't speculate
8 what their rules are.

9 Q. So you don't know why Zulily asked
10 you for that document for your birth record?

11 A. No.

12 Q. But you're not aware of any
13 requirement from ODH that Zulily asked for that
14 document, right?

15 A. I do not know anything of the sort.

16 Q. And you don't contend that ODH
17 caused your employer to announce your sex
18 identifier to that roomful of people when you
19 were just starting out at the company, right?

20 MS. BONHAM: Objection. Calls for
21 a legal conclusion. And to the extent it's
22 possible for her to testify about it, she's
23 answered that question.

24 THE WITNESS: In my personal
25 experience on this situation, ODH didn't make

1 that young lady say what she said that way, but
2 they are indirectly because had I had a correct
3 document, she wouldn't have said what she said
4 that way.

5 Q. Let's move on to the next
6 paragraph. It starts at the bottom of Page 12
7 and goes on to the next page, Page 13,
8 Paragraph 55, Defendants' Exhibit 2, and rather
9 than read the whole thing to you, in that
10 paragraph, you generally allege that you had
11 difficulty getting a hazmat endorsement from
12 the TSA; is that accurate?

13 A. No.

14 Q. Okay.

15 MS. BONHAM: I'll just, you know,
16 object to the extent that it mischaracterizes
17 when opposing counsel's summarizing her
18 testimony, but the testimony is written down.
19 It speaks for itself.

20 MR. BLAKE: Yeah. I'm not trying
21 to be inaccurate, I'll trying to avoid the
22 various permutations of what the hazmat
23 endorsement is and what that allows you to do
24 and how that's part of your CDL.

25 Q. So I'll try again to generalize

1 what it is that you're alleging in that
2 paragraph so that we can move on to the next
3 question, but if I fail, then I'm going to let
4 you generally describe it, okay?

5 At some point in time, you left
6 Zulily, right?

7 A. Correct.

8 Q. And you got your commercial
9 driver's license, right?

10 A. No.

11 Q. You never received your commercial
12 driver's license?

13 A. Still no.

14 Q. Okay. You had your commercial
15 driver's license beforehand?

16 A. Correct.

17 Q. Okay. That's great.

18 And you decided that you were going
19 to be a truck driver for what company?

20 A. Shall I just go ahead and describe
21 this?

22 Q. No. No.

23 A. Because you --

24 Q. Am I messing it all up?

25 A. You are.

1 Q. Okay. Sure. I don't think this is
2 particularly contentious, but go ahead.

3 A. I already -- I've had my CDL since
4 2000.

5 Q. Okay.

6 A. I've been a truck driver before, so
7 for me to say I chose to be a truck driver then
8 would be an inaccurate statement. That's the
9 reason I said no. At the time that I was going
10 for my TSA background check, I was just -- I
11 needed it to apply to other positions. I had
12 not picked an employer, but you must obtain
13 your hazmat before you can apply to these
14 companies or they will not even consider you.
15 So what the paragraph is saying is I went to
16 the TSA for a background check, not to
17 obtain -- not to get my hazmat from the TSA,
18 but to obtain a background check from the TSA.

19 Q. Okay. So that you could obtain
20 your hazmat endorsement?

21 A. So I could take the background
22 check. Once it's in the system, it shows so I
23 have to pass another test to obtain my hazmat.

24 Q. Is that ultimately issued from the
25 TSA, though, the hazmat endorsement?

1 A. No.

2 Q. Okay. That's a different entity
3 that gives you your hazmat endorsement?

4 A. It is.

5 Q. And that's, like, a little code or
6 identifier that goes on your CDL?

7 A. It is.

8 Q. Okay. And the first step or one of
9 the initial steps is this background check from
10 the TSA?

11 A. Correct. You have no background
12 check, you will not get any further regardless
13 of what you do.

14 Q. All right. And there was a --
15 there was difficulty getting background check
16 because of a -- an incongruity between your
17 birth certificate and your CDL?

18 A. There was difficulty getting a
19 background check because of the inaccuracy of
20 my birth certificate's marker.

21 Q. And the inaccuracy you're referring
22 to is the sex designation on your birth
23 certificate said male, and what did that --
24 what did that not match with?

25 A. My driver's license that the State

1 of Ohio had issued me.

2 Q. So your driver's license said
3 female, right?

4 A. Correct.

5 Q. And the birth certificate said and
6 still says male, right?

7 A. That's what it is printed on there,
8 yes.

9 Q. And that resulted in the TSA saying
10 we can't go through with the background check
11 at this time?

12 A. Not the TSA.

13 Q. Who said that?

14 A. The lady at the desk that was
15 checking me in.

16 Q. I get it. The employee at the TSA?

17 A. She technically a contractor for
18 the TSA. Was. Was a contractor.

19 Q. A contractor for the TSA said this
20 is a problem. I can't essentially process this
21 or get you -- move you to the next step until
22 you clear up this -- this issue between the
23 driver's license and the birth certificate?

24 A. I wish it was that nice.

25 Q. I appreciate that. I try to be

1 polite. But that was her position, right, and
2 maybe she was rude, as you indicated?

3 A. She wasn't just rude, she was
4 blatantly harassing.

5 Q. Okay. So this TSA agent was
6 terrible to you?

7 A. And loud.

8 Q. And loud. And told you that this
9 inaccuracy was going to prohibit you from
10 taking the background or getting background
11 check complete, fair?

12 A. At the present time, that was her
13 stance, yes.

14 Q. Okay. And you would agree that ODH
15 wasn't responsible for that TSA contractor's
16 behavior, right?

17 MS. BONHAM: Objection.

18 THE WITNESS: No.

19 Q. You would agree or you wouldn't
20 agree?

21 A. I would not agree to your
22 statement.

23 Q. So you think that the Department of
24 Health was responsible for this woman's
25 behavior?

1 MS. BONHAM: Objection.

2 Mischaracterizes. Calls for a legal
3 conclusion.

4 THE WITNESS: I would say that ODH
5 indirectly got her attitude the way it was.

6 Q. So you think ODH indirectly caused
7 this woman to misapply TSA's rules on receiving
8 background check for the hazmat endorsement?

9 MS. BONHAM: Same objection.

10 THE WITNESS: And I'm going to let
11 you know that's not what I said.

12 Q. Okay.

13 A. I would say that ODH indirectly got
14 her attitude the way it was, not that she
15 misapplied TSA's rules, not that she was
16 mispresenting TSA, that ODH, because they
17 provided me with an inaccurate document to give
18 her, let her have a bad attitude.

19 Q. So ODH --

20 A. Gave her a reason to have a bad
21 attitude.

22 Q. So ODH is the one who gave her the
23 bad attitude? That's your testimony?

24 MS. BONHAM: Same objection.

25 Mischaracterizes.

1 THE WITNESS: If had ODH gave me a
2 correct document, she would have seen that both
3 markers had matched and we wouldn't be sitting
4 here talking today.

5 Q. That woman -- that contractor's
6 attitude towards transgendered people, to your
7 knowledge, hasn't changed, has it?

8 MS. BONHAM: Objection. Calls for
9 speculation.

10 THE WITNESS: I'm unable to
11 speculate on what her attitude is towards
12 others, one, because I don't know her
13 personally, and, two, she no longer is a
14 contractor for TSA.

15 Q. But it's your testimony that had
16 your sex identifier on your birth certificate
17 matched your driver's license, this woman would
18 not have had this outburst or reaction to you
19 during your application?

20 MS. BONHAM: Same objection.

21 THE WITNESS: I cannot speculate if
22 she would have had a bad attitude in general,
23 but she wouldn't have been telling me you need
24 to change your marker back.

25 Q. When you went to apply for the

1 background check, did you consider TSA
2 dangerous or potentially harmful when you had
3 to disclose this birth certificate information
4 to them?

5 A. No, because I had called and spoken
6 to TSA agents about my particular situation.

7 Q. So you didn't fear any bodily harm
8 from TSA when you went in to apply for the
9 background check that day?

10 A. No.

11 Q. All right. In the next paragraph,
12 Paragraph 56, I'll try to generally summarize
13 it. You testified that you went to the
14 Department of Health to request a corrected
15 birth certificate on that same day, right?

16 A. That would be a very short
17 summation of the paragraph, yes.

18 Q. And you state that a staff member
19 told you at that time we will never change it,
20 right?

21 A. That was one of the ending remarks,
22 yes.

23 Q. And I think as we -- you testified
24 before, you don't recall who that staff member
25 was, right?

1 A. I do not. They had said that a
2 supervisor would be with me and she came out,
3 and I, unfortunately, did not write down her
4 name.

5 Q. Can you -- do you have any
6 recollection as to a physical description or
7 what they look like at all?

8 A. White lady, possibly late 30s,
9 early 40s, brown hair, slender, approximately
10 five-eight, five-nine, somewhere in there, but
11 she was wearing heels, so that's hard to
12 determine if someone's wearing heels and I
13 didn't measure, so yeah.

14 Q. Did you guys get that down? White
15 lady, mid-30s, five-eight-ish. No. That's
16 fine. It's my question. I asked it and I got
17 what I asked for. I got to -- I always
18 wondered how people recollected and drew those
19 sketches because I would have no idea. I
20 wouldn't be able to go an hour from meeting any
21 of you people and describe, you know, tell me
22 the shape of the nose and all that stuff, but
23 nonetheless, people do it. All right. I guess
24 we're similarly situated when it comes to your
25 ability to describe folks.

1 So it's your testimony that
2 someone, this woman told you we will never
3 change it, "it" being the birth certificate.
4 Are you aware of the legal process under which
5 a correction to a birth certificate can be
6 made?

7 A. I am not an expert in the legal
8 laws, no.

9 Q. Are you aware that a correction to
10 your birth certificate requires a court order?

11 MS. BONHAM: Objection.
12 Foundation.

13 THE WITNESS: Again, as stated in
14 the previous question, I'm not an expert in the
15 legal laws, so no.

16 Q. Have you sought a court order to
17 have your sex identifier changed?

18 A. I have not.

19 - - - - -

20 (Thereupon, Deposition Exhibit 4,
21 August 12th, 2017 Communication;
22 Attachments, was marked for purposes
23 of identification.)

24 - - - - -

25 Q. I've handed you a group exhibit

1 that consists of a series of communications
2 produced about your attorneys in this
3 litigation. Do you recognize these documents?

4 A. I do.

5 Q. The first page appears to be a
6 request for assistance to the office of Senator
7 Sherrod Brown. Do you see that?

8 A. That is what it states up top, yes.

9 Q. And that is dated
10 August 12th, 2017. Do you see that at the
11 bottom?

12 A. I do.

13 Q. Was this about the time that you
14 attempted to get your background check from the
15 TSA, went to ODH, were told that they never
16 change it?

17 A. As I recall, I believe that it was
18 literally the next day.

19 Q. Okay. And if you turn the page,
20 the next page is a letter from the office of
21 Sherrod Brown to Ms. Gibson at the TSA, and I
22 don't have a second page for this request for
23 assistance. Do you -- and it looks like the
24 request sort of ends mid-sentence. Is there
25 a --

1 A. It does.

2 Q. Is there a back page or something?

3 A. There was. I've misplaced it.

4 Q. Okay. Okay. Do you recall what
5 you said generally?

6 A. Basically, as it's stated in the
7 complaint, went through and described my
8 interaction that I had at the TSA office, you
9 know, where I had an appointment time set, I
10 had even went into the context of I believe it
11 was 11:00 a.m. that I had the appointment time,
12 that I had showed up 15 minutes prior, signed
13 in. I went through literally step by step.

14 Q. So there's several pages that are
15 missing from there?

16 A. There's really technically only one
17 because the writing was smaller and, you
18 know --

19 Q. Okay. Well, in any event, on the
20 26th, it looks like the office of Sherrod Brown
21 forwarded your request, your letter to the TSA,
22 right?

23 A. To the best of my understanding,
24 that is what the document says, yes.

25 Q. And then if you turn to the fifth

1 page, it's a document that's dated
2 October 25th, 2017, or at least there's a
3 received stamp, it looks like on that date. Do
4 you see there?

5 MS. BONHAM: Sorry. That's Bates
6 No. 5 rather than the fifth page of the --

7 MR. BLAKE: Fair enough.

8 MS. BONHAM: Sorry.

9 Q. Bates No. 5.

10 A. Thank you.

11 Q. Yeah. Do you see that, the
12 October 25th document?

13 A. I do.

14 Q. That's a few weeks later. Looks
15 like September 18th. In any event, sorry. No.
16 It is the fifth page. Sorry. Strike all that.

17 This is Bates No. 6. This is a
18 document that was received September 18th, 2017
19 from the TSA to the office of Sherrod Brown.
20 Do you see that document?

21 A. I do.

22 Q. Have you seen this document before?

23 A. I have.

24 Q. You were forwarded this letter by
25 Senator Brown's office?

1 A. From someone in Senator Brown's
2 office. It was mailed to me, yes.

3 Q. All right. So this letter from the
4 TSA generally describes certain requirements
5 necessary to receive a hazmat licensure, right?

6 A. Correct.

7 Q. And I've highlighted some text in
8 there for you. If you look at the top of the
9 fourth paragraph down, it says: It is still
10 possible for Ms. Ray to enroll for an HME STA
11 without a changed or admitted birth
12 certificate.

13 Do you see that?

14 A. I do.

15 Q. Is that consistent with the
16 information that the TSA had told you on the
17 phone prior to you going in?

18 A. It is.

19 Q. So this didn't tell you anything
20 new?

21 A. Correct.

22 Q. And then at the bottom paragraph of
23 that page, it says: Ms. Ray -- it's also
24 highlighted. Ms. Ray is concerned with how the
25 enrollment agent handled the situation at the

1 enrollment center has been address with the TSA
2 contracted vendor, Morpho Trust USA, to ensure
3 that enrollment agents conduct themselves with
4 discretion, respect and sensitivity.

5 Do you see that?

6 A. I do.

7 Q. Do you know how they addressed the
8 issue with Morpho Trust USA?

9 A. They terminated their contract.

10 Q. So they did a better job than
11 Zulily did, at least, right?

12 A. To my understanding, there was
13 multiple. I wasn't just the only one, but
14 there was multiple incidents of disrespect and
15 not handling documentation sensitive.

16 Q. With this particular contractor?

17 A. With this particular contractor.

18 Q. Okay. All right. You understand
19 that ODH has no authority over the issuance or
20 enforcement of federal regulations promulgated
21 by the TSA and other agencies, right?

22 MS. BONHAM: Objection. Calls for
23 a legal conclusion. Foundation. Calls for
24 speculation.

25 THE WITNESS: I do not know what

1 ODH and the TSA correspond with.

2 Q. Did you ever follow the
3 recommendations set forth in this letter by the
4 TSA about how to get your -- your --

5 A. Hazmat.

6 Q. -- HME STA without the changed or
7 amended birth certificate?

8 A. I did.

9 Q. And did you receive the
10 certification eventually?

11 A. Through a different contractor or
12 the TSA, yes.

13 Q. And that was without incident?

14 A. It was without incident, but she
15 had already known about my situation prior to
16 arriving.

17 Q. Okay. Next paragraph,
18 Paragraph 57.

19 A. In Exhibit 2 we're talking about?

20 Q. Yeah. Back to Exhibit 2.

21 A. That's Page 13, I take it?

22 Q. Page 13.

23 A. One second. Go ahead.

24 Q. You state that you've also been
25 required to present your birth certificate in

1 other context. That's gist of that paragraph,
2 right?

3 A. It is.

4 - - - - -

5 (Thereupon, Deposition Exhibit 5,
6 plaintiffs' Answers to Defendant
7 Lance Himes First Set of
8 Interrogatories, First Request for
9 Admissions, First Request for
10 Production of Documents, was marked
11 for purposes of identification.)

12 - - - - -

13 Q. I've just handed you a document
14 marked as Defendants' Exhibit 5, and it is a
15 copy of plaintiffs' answers to defendant Lance
16 Himes first set of interrogatories, first
17 request for admissions, first request for
18 production of documents. Have you seen this
19 document before?

20 A. I believe I have, yes.

21 MS. BONHAM: Do you have a spare,
22 Jake?

23 MR. BLAKE: Oh, yeah. I'm sorry.
24 No, I do not.

25 Q. And I understand that your

1 attorneys were probably heavily involved in the
2 preparation of this document. I don't want to
3 inquire about anything you discussed really
4 outside of the context of what you provided to
5 go into this document. Do you understand?

6 A. I believe I do.

7 Q. Okay. But you did provide
8 information which then was in some way, shape
9 or form, you know, included in this document
10 that we're looking at, right?

11 A. I did.

12 Q. Okay. If you turn to Page 7 of the
13 document, and in the middle of the page,
14 there's bolded words Interrogatory No. 8. We
15 sought, among other things, all the instances
16 when such plaintiff was required to disclose
17 provide his or her birth certificate. Do you
18 see that, first sentence?

19 A. I do.

20 Q. And if you turn to the next page,
21 Page 8, it says: Stacie Ray was obligated by
22 her employer, Zulily, in 2016, to present her
23 birth certificate along with other documents as
24 she was on-boarded for her new position.

25 Do you see that?

1 A. I do.

2 Q. And then the next sentence is: In
3 August 2017, Ms. Ray was required to present
4 her birth certificate to the Transportation
5 Security Administration, TSA, in order for the
6 TSA to perform a background check required for
7 a hazmat endorsement.

8 Do you see that?

9 A. I do.

10 Q. So I guess I'm a little confused
11 because those are the same instances that were
12 identified in the complaint, right?

13 A. Correct.

14 Q. And if you look back at Paragraph
15 57 in the complaint, it says: Ms. Ray has also
16 been required to present and has presented her
17 birth certificate in other contexts, and she
18 will continue to be required to do so.

19 A. Okay.

20 Q. So if the only two circumstances
21 that you identified in the complaint were
22 Zulily and the TSA and I asked you earlier in
23 the deposition for the circumstances under
24 which you identified or were required to
25 produce your birth certificate and you

1 identified Zulily and the TSA and in response
2 to an interrogatory asking for those questions,
3 you identified Zulily and the TSA, I'm just
4 trying to figure out what are the other
5 circumstances you're referencing in
6 Paragraph 57?

7 MS. BONHAM: Objection.
8 Mischaracterizes testimony and mischaracterizes
9 the record. I just want to put it on the
10 record that earlier today in the deposition,
11 she has testified that there have been multiple
12 other instances and, obviously, on the face of
13 the interrogatory responses, it also says it is
14 unduly burdensome and impractical to list the
15 many instances within the plaintiffs' lives
16 when they have been required to disclose their
17 birth certificates. They'll answer the
18 interrogatory to the best of their
19 recollection.

20 THE WITNESS: So I answered the two
21 that I could recall the most. I mean, the ones
22 that stick out the most. It's like when you're
23 hit in the face, you remember that.

24 Q. True.

25 A. Okay. So my personal instances

1 that come to memory right off the bat were
2 these two. As stated earlier in the
3 deposition, you know, I had to supply it to TSA
4 for boarding an airplane.

5 Q. Yep.

6 A. Which we discussed, which is not in
7 here, but I didn't recall that then. You don't
8 always recall things immediately if they're not
9 grossly negligent.

10 Q. So other than the somewhere little
11 incident, TSA/hazmat incident and the
12 TSA/Florida incident, do you recall any other
13 incidents where you were required to disclose
14 your birth certificate?

15 A. Yes.

16 Q. What are those?

17 A. The other one that I can remember
18 right off the bat was when I bought my most
19 recent car, they asked for my birth certificate
20 for some reason.

21 Q. Car dealership asked for your birth
22 certificate?

23 A. Correct.

24 Q. When was that?

25 A. October 2017, I believe. Roughly

1 in that range.

2 Q. Did they -- well, did you provide
3 it?

4 A. I did.

5 Q. Did anything happen?

6 A. No.

7 Q. Were you applying for a loan or
8 something?

9 A. As stated, I purchased a vehicle.

10 Q. Yeah. So I guess my question is:
11 Were you getting financing to help purchase the
12 vehicle or were you just trying the vehicle
13 outright?

14 A. I financed the vehicle, yes.

15 Q. And did they request the birth
16 certificate in connection with the financing?

17 A. I didn't ask them why they wanted a
18 birth certificate. I wanted a car, they asked
19 for it and I provided it.

20 Q. No idea why they wanted it, though?

21 A. I did not know.

22 Q. Did they ask for your driver's
23 license?

24 A. Yes.

25 Q. So they asked for your birth

1 certificate, driver's license. Any other
2 documents?

3 A. Social Security card, pay stubs. I
4 mean, there was a list of stuff that I needed
5 to provide. I don't recall every item.

6 Q. But it was just a bunch of
7 documents?

8 A. There was, yes.

9 Q. What car dealership, do you
10 remember?

11 A. That was Toyota West.

12 Q. Is that here in town?

13 A. It is.

14 Q. But like you said, there was no
15 issue. You provided the documents, they did
16 whatever they did, and you drove away with a
17 vehicle?

18 MS. BONHAM: Objection.
19 Mischaracterizes.

20 THE WITNESS: He looked at the
21 document, gave it back.

22 Q. Any other incidents?

23 A. Not that I recall at this present
24 time.

25 Q. Okay. In any of those context --

1 well, let me put it this way: With Toyota West
2 when you turned over your birth certificate,
3 did you fear bodily harm when you did that?

4 A. No.

5 Q. What about when you were at the TSA
6 checkpoint in Florida, did you fear bodily harm
7 when you showed them your birth certificate?

8 A. That is mis-categorized. I wasn't
9 in Florida. I was going to Florida.

10 Q. So at that TSA, at the airport TSA
11 incident were you required to show your birth
12 certificate so you didn't have to undergo a
13 strip search, essentially, did you fear bodily
14 harm?

15 A. Yes.

16 Q. Okay. What -- what was the bodily
17 harm that you were fearful of at that time?

18 A. TSA is not known to be the nicest
19 people on earth. If you are trying to defend
20 your civil rights of privacy, and I did not
21 want to strip search and, to me, that's bodily
22 harm. I had one of two things, provide a
23 document or get strip searched.

24 Q. I think I know the answer to this
25 question, but was it ODH that required you to

1 show your birth certificate to the TSA agent at
2 the airport gate?

3 MS. BONHAM: Objection. Calls for
4 a legal conclusion.

5 THE WITNESS: My personal opinion
6 about that matter would be, indirectly, yeah.

7 Q. So you think, indirectly, ODH
8 caused the TSA to require you to show your
9 birth certificate?

10 MS. BONHAM: Same objection.

11 Q. Is that accurate?

12 A. That is accurate.

13 Q. So I guess what I don't understand
14 about that incident is you -- you hadn't shown
15 your birth certificate to TSA prior to going
16 through security, right?

17 A. Correct.

18 Q. You just showed up with your ticket
19 and your driver's license, right?

20 A. Ticket, driver's license, purse. I
21 mean, general travel essentials.

22 Q. Right. I'm not wrong when I say
23 generally when you go through TSA, you show up,
24 you got your driver's license, your ticket,
25 they look at both, right?

1 A. Correct.

2 Q. And then they check you through,
3 right?

4 A. (Nods head.)

5 Q. So what prompted them to say, "Hey,
6 we need to see your birth certificate"?

7 A. The body scan showed an
8 abnormalities.

9 Q. Okay. And what do you mean by
10 abnormality?

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 MS. BONHAM: Objection.

17 Q. Is that accurate?

18 A. No.

19 Q. Okay.

20 A. The body scan showed an abnormality
21 within the system.

22 [REDACTED]
23 [REDACTED] 'Cause
24 the thing -- the body scan's designed to pick
25 up, what, x-ray, metal and stuff like that,

1 right?

2 A. Correct.

3 Q. Do you have a knee replacement?

4 A. No.

5 Q. Did you have a hip replacement?

6 A. No.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. So based on the abnormality, did
11 the TSA challenge your sex designation on your
12 driver's license?

13 A. No.

14 Q. All right. Well, then why did they
15 need your birth certificate?

16 A. To prove why the abnormality was
17 there.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 MS. BONHAM: Objection. Calls for
23 speculation. Foundation.

24 THE WITNESS: I can't say that
25 that's the same consistency between the two.

1 Q. Is that your suspicion?

2 MS. BONHAM: Objection. Same
3 objection.

4 THE WITNESS: No.

5 Q. Okay. What do you suspect?

6 MS. BONHAM: Objection. Vague.
7 Foundation.

8 THE WITNESS: That they both had
9 their independent thoughts.

10 Q. Okay. Your driver's license said
11 female, right?

12 A. Correct.

13 Q. Okay. Your ticket didn't say
14 anything one way or the other?

15 A. Never does.

16 Q. So at what point were you
17 questioned about your birth certificate?

18 A. When they took me back to -- around
19 the corner, basically, sat me down and said,
20 "We have an abnormality. We suspect what's
21 going on. You can either be strip searched or
22 provide us with a birth certificate to prove
23 our suspicions."

24 Q. Were you dressed as woman when you
25 went through the TSA -- this TSA issue?

1 MS. BONHAM: Objection.

2 THE WITNESS: I was dressed in
3 street clothes.

4 Q. Like, were they street clothes that
5 were feminine or masculine?

6 MS. BONHAM: Objection.

7 THE WITNESS: The clothes that I
8 was dressed in, I purchased out of a women's
9 department.

10 Q. Okay. I mean, look, we're not
11 playing games here. You yourself said [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] you stopped wearing
13 men's clothes, you started wearing women's
14 clothing. We know there's a difference. So
15 you purchased them out of women's clothing,
16 they were women's clothing, right?

17 MS. BONHAM: Objection. We're not
18 playing games here. You're independent
19 commentary about when women are, what men are
20 and what she's doing. I think she's testifying
21 appropriately.

22 THE WITNESS: To answer your
23 question, I never once -- I believe I did not
24 state that I stopped wearing men's clothing. I
25 believe I stopped -- said I stopped wearing

1 clothing that other perceived me that I should
2 wear.

3 Q. Okay. So these were clothes -- the
4 clothes you were wearing would be clothes that
5 would be perceived to be appropriate for a
6 female, right?

7 A. That's a general characterization
8 that I believe I can agree with, yes.

9 Q. And it was after you went through
10 the body scan that the TSA approached you and
11 said -- did they use the word "abnormality"?

12 A. They did.

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 MS. BONHAM: Objection.
17 Mischaracterizes. Asked and answered.

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 A. I do not assume, I go with the

1 facts that's given in front of me.

2 [REDACTED]
3 [REDACTED]
4 [REDACTED] ion
5 [REDACTED]

6 MS. BONHAM: Asked and answered.

7 THE WITNESS: Again, I'm not going
8 to assume what someone else is thinking. I
9 went with the facts that were presented in
10 front of me, [REDACTED]
11 [REDACTED]

12 Q. Right. And then they asked for
13 your birth certificate, which you know states
14 male as the sex, right?

15 A. They said I could present a birth
16 certificate to back up their suspicions of why
17 the abnormality was there.

18 Q. Okay. And at that time, did you
19 have any suspicions or hunches about what they
20 were referring to what they said "abnormality"?

21 MS. BONHAM: Asked and answered.

22 THE WITNESS: I went with -- again,
23 I went with the facts that were presented in
24 front of me, [REDACTED]
25 [REDACTED]

1 Q. So then a picture of your birth
2 certificate was taken by someone who had access
3 to it sent to you on your phone, right?

4 A. Correct.

5 Q. And you showed that to the TSA?

6 A. Correct.

7 Q. And they identified that the sex
8 indicator said male, right?

9 A. I showed them the birth certificate
10 and that the printing on it says male, yes.

11 Q. And at that point, then, they let
12 you through?

13 A. They did.

14 Q. If the sex had said female, would
15 you have had to undergo a strip search?

16 MS. BONHAM: Objection. Calls for
17 speculation. Hypothetical.

18 THE WITNESS: I was going to say, I
19 don't know what their process would have been
20 after that.

21 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] a birth
25 certificate that said female wouldn't have

1 resolved that so-called abnormality, right?

2 MS. BONHAM: Objection. I don't
3 know the question. That seems like your own
4 testimony.

5 THE WITNESS: I don't know how to
6 answer --

7 Q. You don't know?

8 A. -- your statement. I can't say
9 what their rules, their processes are. I
10 cannot speak for the legal procedures that they
11 have, the rules that they have in place. I
12 have no idea what would have happened had it
13 been a correct birth certificate that I
14 presented them.

15 Q. So in what way did the sex
16 identifier of male cause you harm in this
17 instance?

18 A. In this instance, humiliation in
19 general.

20 Q. But it's the sex -- it's the sex
21 identified as male on the birth certificate
22 that allowed you to proceed through security,
23 correct?

24 MS. BONHAM: Objection.
25 Mischaracterization. Calls for speculation.

1 THE WITNESS: I would have to
2 speculate to give you an answer to that. I
3 don't know what they looked at. We never --
4 there was no point of anything said towards
5 that fact. I, again, would have to speculate
6 towards the fact of what they were looking for.
7 I don't want to speculate. I want to give you
8 facts. The fact is they said I could present
9 them with a birth certificate or undergo a
10 strip search.

11 Q. Right. And you presented with your
12 birth certificate, right?

13 A. Correct.

14 Q. And it had the sex identified as
15 male on it, correct?

16 A. There's printing on there that says
17 male, but there's other indicators on there
18 too.

19 Q. And then you did not have to
20 undergo the strip search, right?

21 A. That is correct.

22 Q. So in this case, the birth
23 certificate from ODH helped you to avoid the
24 strip search, which you've characterized as the
25 harm, right?

1 MS. BONHAM: Objection. Totally
2 mischaracterizes her testimony. Asked and
3 answered. We should really move on to
4 something more relevant. At this point, it's
5 harassing the witness.

6 THE WITNESS: Again, facts in the
7 face. [REDACTED]
8 [REDACTED] asked to either present a birth
9 certificate or get strip searched. Presented a
10 birth certificate, moved on.

11 Q. And the harm in that circumstances
12 would have been the strip search, right?

13 MS. BONHAM: Objection. I don't
14 know what else to do here besides to take a
15 break. I don't understand what you want from
16 her. She's answered the question multiple
17 times. Again, we've been at this. It's a
18 personal, invasive, humiliating instance in her
19 life and you've been asking her to recall the
20 same testimony over and over again for many
21 minutes.

22 Q. But it sounds like to me, and tell
23 me if I'm wrong here, that the harm occurred
24 long before you presented your birth
25 certificate and the harm either being detained

1 by TSA or being humiliated by TSA or being
2 investigated by TSA stopped once you presented
3 the birth certificate, right?

4 MS. BONHAM: Objection. Calls for
5 legal conclusions. Mischaracterizes testimony.
6 Argumentative.

7 THE WITNESS: I'm not saying you're
8 wrong because I don't know what actually
9 stopped it.

10 Q. Okay.

11 A. What they were looking for on the
12 document, I can't attest to because no one
13 said, "Oh, this is the reason why we're going
14 to let you pass through." No one said that.

15 Q. But you understand one of your
16 claims in this case is that turning over this
17 information to people, disclosing this
18 information to people harms you, right? That's
19 one of your claims?

20 A. It is.

21 Q. Okay. Generally, right? And so
22 I'm trying to understand all the instances in
23 which you've been harmed by disclosing this
24 information. Do you understand that?

25 A. I do.

1 Q. Okay. And so this TSA incident
2 where they were not going to let you through
3 security unless you either underwent a strip
4 search or presented your birth certificate is
5 one of the instances where you've identified
6 you were harmed by this sex identifier as male
7 on your birth certificate, right?

8 A. I did not state that.

9 Q. Okay. So do you believe that the
10 sex identifier as male on your birth
11 certificate caused you any harm in this
12 circumstance?

13 A. Yes.

14 Q. All right. Please explain to me
15 how.

16 A. Because I identified myself as
17 female and I had to out myself to other people
18 that I was born -- let me rephrase that. That
19 the doctors had categorized me in something
20 that I don't agree with.

21 Q. Okay. So the harm isn't
22 necessarily this stuff by TSA that occurred
23 during the navigation of their security, it's
24 just the fact that you had to show them a birth
25 record which conflicted with your gender

1 identity; is that right?

2 MS. BONHAM: Objection. Calls for
3 a legal conclusion. Asked and answered. You
4 can go ahead.

5 THE WITNESS: The harm is that the
6 State of Ohio shouldn't force me to out myself
7 every time that I have to present a legal
8 document and then I get the looks, the
9 whispers, the generalized humiliation that I
10 get after presenting a document. Whether or
11 not it helped or hindered is beside the point.
12 It's the offensive behavior that happens
13 personally from me.

14 Q. Have you ever stopped to think
15 about what would have happened if your sex
16 identifier had said female?

17 MS. BONHAM: Objection. Asked and
18 answered. Calls for speculation. Incomplete
19 hypothetical.

20 Q. Alls I'm asking is have you stopped
21 to think about it. That can be, if she likes,
22 a "yes" or "no" question.

23 MS. BONHAM: Objection.

24 THE WITNESS: I will answer the
25 question in a "yes" or "no," but I'm going to

1 put a timeout after I answer the question so we
2 can take a break. Is that good?

3 Q. Sure.

4 A. Thank you.

5 No, I have not thought about that.
6 Thank you.

7 (Recess taken.)

8 Q. Other than the circumstances you've
9 already described, are there other instances
10 where you've had to show your birth certificate
11 to people?

12 A. Not that I recall right off the
13 bat, no.

14 Q. School?

15 A. I only needed to present them with
16 my updated driver's license and my legal name
17 change form because I had already been
18 registered there before.

19 Q. So no birth certificate at any time
20 to any school, to your knowledge?

21 A. I wouldn't say any time. I mean,
22 is there a time frame we want to set down?

23 Q. No. What I want to know is whether
24 or not you've ever had to present your birth
25 certificate to a school.

1 A. I've had to present it to Columbus
2 State before, yes.

3 Q. Okay. When was that?

4 A. When I first enrolled.

5 Q. All right. And what year was that
6 approximately?

7 A. I don't remember when I originally
8 enrolled because I enrolled once and then I
9 went back. In the '90s.

10 Q. And in the '90s, at that time, were
11 you still presenting yourself -- or were you
12 presenting yourself as male?

13 A. No.

14 Q. Was there any issue associated with
15 presenting your birth certificate to CSU at
16 that time?

17 A. No.

18 Q. What about friends, have you, for
19 whatever reason, disclosed your birth
20 certificate to any friends?

21 A. Not that I recall.

22 Q. Medical professionals?

23 A. Not that I recall.

24 Q. What about to obtain insurance or
25 other benefits through work or otherwise?

1 A. Not that I recall.

2 Q. What about to obtain a passport?

3 A. I've not applied for a passport.

4 Q. And what about to obtain your
5 noncommercial driver's license?

6 A. I don't have a noncommercial
7 driver's license.

8 Q. You never had one?

9 A. I did at one time.

10 Q. Okay. And when you did that, were
11 you required to present your birth certificate?

12 A. Not that I recall.

13 Q. Okay. And then to obtain your CDL,
14 were you required to present a birth
15 certificate?

16 A. I don't recall.

17 Q. All right. I just have one sort of
18 follow-up. This is on Exhibit 4. Sorry, 5,
19 which is the interrogatories. If you go to
20 Interrogatory No. 17, which is on 12, Page 12,
21 and this is interrogatory that seeks
22 individuals with knowledge regarding any of the
23 claims. It says: Tanya [REDACTED] and then in
24 parenthetically, wife to Stacie Ray, separated
25 spousal status. What does that mean, separated

1 spousal status?

2 A. We've had an on-again/off-again
3 relationship.

4 Q. Are you currently separated or
5 together?

6 A. We are together.

7 Q. And I think I --

8 A. But I have to ask a question.
9 Could you define "together"?

10 Q. I don't know. Can you define
11 "separated"?

12 A. Yes.

13 Q. Okay. What does separated mean?

14 A. Not of spousal -- living in
15 different households.

16 Q. Okay. All right. So then I guess
17 I would define together as the opposite of
18 that, so living together versus living
19 separately. Let's put it that way. Is that
20 fair?

21 A. If that's the assessment you want
22 to take, yes.

23 Q. And you say that that is just kind
24 of the nature of your relationship is sometimes
25 you're together, sometimes you're separated,

1 right?

2 A. It can be, yes.

3 Q. Okay. And I think we touched on
4 this briefly. You were married in late
5 2007/2008-ish?

6 A. I believe it was
7 January 22nd, 2008.

8 Q. So early 2008?

9 A. Correct.

10 Q. And by then, you had already
11 disclosed your gender identity to Tanya?

12 A. Correct.

13 Q. And when you were married, Tanya
14 [REDACTED] was fully aware of your biological sex,
15 right?

16 MS. BONHAM: Objection to the term
17 "biological sex."

18 THE WITNESS: I don't know what you
19 mean by that statement.

20 Q. She knew that your birth
21 certificate reflected sex as male, right?

22 MS. BONHAM: Objection.

23 THE WITNESS: She had -- I can
24 attest to that she had seen my birth
25 certificate because we had to present it to get

1 married.

2 Q. Okay.

3 A. What she was aware of, I'm unsure.

4 Q. Okay. Whether that meant --
5 whether that meant anything to her or what that
6 meant to her, you don't know?

7 A. Correct.

8 Q. Okay.

9 MR. BLAKE: All right. That's all
10 my questions.

11 MS. BONHAM: We'll just take a
12 second, I think, and we might have a few.

13 (Recess taken.)

14 EXAMINATION OF STACIE RAY

15 BY MS. BONHAM:

16 Q. We talked about a series of terms
17 today including "biological sex," "sex,"
18 "gender," "gender identity" and other terms.
19 Are any of your personal claims in the lawsuit
20 contingent on your personal definition or
21 understanding of those terms?

22 A. No.

23 Q. Who do you look to to define those
24 terms?

25 A. My experts.

1 MS. BONHAM: That's all for us.

2 MR. BLAKE: No further questions.

3 (The deposition was concluded at
4 5:00 p.m.)
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1 Whereupon, counsel was requested to give
2 instruction regarding the witness's review of
3 the transcript pursuant to the Civil Rules.

4

5 SIGNATURE:

6 Transcript review was requested pursuant to the
7 applicable Rules of Civil Procedure.

8

9 TRANSCRIPT DELIVERY:

10 Counsel was requested to give instruction
11 regarding delivery date of transcript.

12 Mr. Blake original regular.

13 Ms. Bonham copy regular.

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REPORTER'S CERTIFICATE

The State of Ohio,)

SS:

County of Fairfield.)

I, Kimberly A. Kaz, RPR, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, STACIE RAY, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

1 I do further certify that I am not
2 a relative, counsel or attorney for either
3 party, or otherwise interested in the event of
4 this action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this 10th day of
8 September, 2019.

9

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13

A handwritten signature in black ink, appearing to read 'K. Kaz', is written over a horizontal dashed line.

14

Kimberly A. Kaz, RPR, Notary Public
within and for the State of Ohio

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My commission expires March 31, 2023.

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Veritext Legal Solutions
1100 Superior Ave
Suite 1820
Cleveland, Ohio 44114
Phone: 216-523-1313

September 10, 2019

To: Ms. Bonham

Case Name: Ray, Stacie, et al. v. Director, Ohio Department Of Health,
Et Al.

Veritext Reference Number: 3493789

Witness: Stacie Ray Deposition Date: 8/19/2019

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown

above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3493789

CASE NAME: Ray, Stacie, et al. v. Director, Ohio Department
Of Health, Et Al.

DATE OF DEPOSITION: 8/19/2019

WITNESS' NAME: Stacie Ray

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have made no changes to the testimony
as transcribed by the court reporter.

Date Stacie Ray

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn
Statement; and

Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3493789

CASE NAME: Ray, Stacie, et al. v. Director, Ohio Department
Of Health, Et Al.

DATE OF DEPOSITION: 8/19/2019

WITNESS' NAME: Stacie Ray

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
well as the reason(s) for the change(s).

I request that these changes be entered
as part of the record of my testimony.

I have executed the Errata Sheet, as well
as this Certificate, and request and authorize
that both be appended to the transcript of my
testimony and be incorporated therein.

Date

Stacie Ray

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They have listed all of their corrections
in the appended Errata Sheet;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

ERRATA SHEET

VERITEXT LEGAL SOLUTIONS MIDWEST

ASSIGNMENT NO: 3493789

PAGE/LINE(S) / CHANGE / REASON

7:6/ Replace "the" with "my" /Transcription error

11:3/ Insert "with" between "correspond"&"what" /Transcription error

25:22/ Replace "there's" with "there is" /Transcription error

33:22/ Replace "got" with "not" /Transcription error

38:9/ -- is "evident" /Transcription error

68:12/ "Replace "it's" with "that is" /Transcription error

72:21-23/ Should read:"Again, I am not an expert on Ohio law. I do not know of any laws nor am I aware of any laws on this matter." /Transcription error

73:7/ Replace "No" with "Nor" /Transcription error

115:15/ Replace "There's" with "There would be" /Transcription error

123:2/ Replace first "had" with "if" /Transcription error

126:11/ Insert "If" before "You" /Transcription error

130:1/ Transpose "had" and ODH" /Transcription error

138:13/ Replace "wasn't" with "was" and omit "the" /Transcription error

158:7/ [REDACTED] / Transcription error

10/1/2019
DateStacie M Ray
Stacie RaySUBSCRIBED AND SWORN TO BEFORE ME THIS 1st

DAY OF October, 2019


 [Signature]
 Notary Public
 THERESA SABO
 Notary Public, State of Ohio
 My Commission Expires 11-28-2021
 11-28-2021

Commission Expiration Date

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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